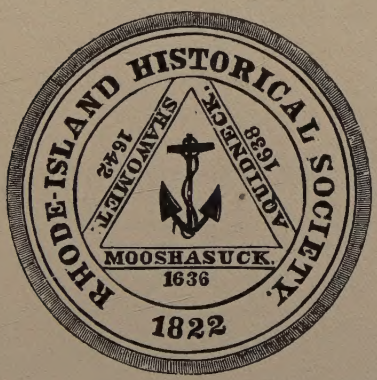
COLLECTIONS

OF THE

RHODE ISLAND HISTORICAL SOCIETY

VOLUME X



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PREFACE

In accordance with a vote of the Society passed April 2, 1901, the Publication Committee discontinued the Quarterly, of which thirty-two numbers, forming volumes I to VIII of the PUBLICATIONS of the Society, had been issued, beginning with the number for April, 1893, and ending with that for January, 1901. The COLLECTIONS of the Society constitute another series of publications, numbering volumes I to IX, of which volume I appeared in 1827 and volume IX in 1897. The Society published its PROCEEDINGS from 1872 to 1892, in twenty-one annual numbers. A new series of the PROCEEDINGS, to be published annually, will contain the record of the meetings of the Society, the President's address, reports of officers and committees, lists of members and donors, and obituaries of deceased members. The first number will cover the year ending with the annual meeting in January 1902. The present volume of COLLECTIONS continues the series which began in 1827.

The Publication Committee, as soon as it was relieved of the necessity of preparing material for the periodical issued every

three months, set about the collection and editing of the Harris Papers which appear in the present volume. These papers comprise every document of which the committee could learn, not heretofore printed, which throws light upon the career of William Harris, the life-long antagonist of Roger Williams, and one of the most influential of the founders of Rhode Island. The majority of these documents are printed through the courtesy of Mrs. Mary Harris Cushman, the present owner of the Harris family papers. These papers Mrs. Cushman generously deposited in the Society's building in September, 1900, with permission to publish them in full. They have been supplemented by other documents belonging to the Society, whose library contains a bound volume of manuscripts pertaining to the Harris family, besides a considerable number of original documents and transcripts found among the papers of Moses Brown, who had at one time all of the Harris papers in his possession. Other documents have been secured from the British Public Record Office in London, and from the archives of the City of Providence. Besides the notes made by Moses Brown which appear on many of the papers, the editors have had the invaluable assistance of the transcripts and notes of Mr. George T. Paine, who has made a careful study of the Harris controversies. The following letter written by J. Hammond Trumbull, the learned Connecticut historian, is

a suggestive indication of the position occupied by William Harris in the history of New England :—

STATE OF CONNECTICUT.
OFFICE OF SECRETARY OF STATE,
HARTFORD, Aug. 31st, 1865.

GEO. T. PAINE, Esq.

Dear Sir :—

I am glad to learn that you have in hand so good a work as the Life and Times of William Harris, who well deserves larger notice than he has hitherto received from writers of the early history of New England. I gleaned our colonial archives, with considerable care, for traces of him, in his work for his colony and ours, and embodied the little which I found in the notes and appendices to the second and third volumes of the printed records.

Yours respectfully,

J. H. TRUMBULL.

The introductory account of the Land Controversies of William Harris is written by Irving B. Richman, of Iowa, who has placed the Society under many obligations by this successful effort to render intelligible one of the most confused episodes in New England history. The Calendar, which gives a chronological outline of every significant event in the life of Harris, with references to all the documents, wherever printed, which bear upon his career, is prepared by the librarian of the So-

ciety, Mr. Brigham, who has also supplied the notes accompanying the documents. The map of the localities mentioned in these documents has been prepared by Frank G. Bates of the Publication Committee and Thurston M. Phetteplace.

For the Publication Committee,

GEORGE PARKER WINSHIP.

HARRIS PAPERS

With an Introduction
by
IRVING B. RICHMAN

and
a Calendar and Notes
by
CLARENCE S. BRIGHAM

The Land Controversies of William Harris *

By Irving B. Richman

Between the years 1660 and 1678, William Harris maintained within the jurisdiction of Rhode Island and the United Colonies actions at law against the towns of Warwick and Providence, and against John Harrud, John Towers, Edmund Calverly and their associates. These suits were based upon the claim that the corporations and individuals defendant withheld from Harris lands within the Pawtuxet purchase which belonged either to him or to his partners and co-proprietors. The litigation in question will be better understood after a glance at certain things which preceded it.

In March, 1638, the Indian Sachems Canonicus and Miantonomi conveyed to Roger Williams, in the instrument since called the Town Evidence, lands which shortly became known as the Providence and Pawtuxet purchases. On October 8th following, Williams, in response to a demand from Harris, executed a deed and joined in an agreement whereby there was conveyed to the latter, along with twelve others, an absolute property in the Pawtuxet purchase. In 1640 a committee of the citizens of Providence, of which William Harris was a member, drew up a plan of government for the settlement, in which they fixed the course of a line of division between the Providence purchase — a tract in which every full townsman as such had a proprietary interest — and the Pawtuxet purchase, the tract which had been made the exclusive property of Harris and the twelve.

*The writer wishes to acknowledge his indebtedness to Mr. S. S. Rider's monograph on the Forgeries in the Sachems' deed, and to the monograph by Mr. Geo. T. Paine in reply to Mr. Rider.

But this was not all. On May 17th, 1659, the Rhode Island General Assembly made an order "that Providence should have liberty to buy out and cleare off Indians within the bounds of Providence as expressed in the Towne Evidence, and to purchase a little more in case they wish to add, seeing they are straytened, not exceeding three thousand acres joyinge to their township." William Harris therefore (with what authority is not clear) proceeded to obtain in quick succession from the Sachems Kachanaquant, Quassaquanch [Pessicus], and Nenekelah, brothers of Miantonomi, and from the Sachems Scuttop and Quequaquennet, grandsons of Canonicus, deeds (three in all) which added to the township of Providence — including the Pawtuxet portion owned by the Harris partnership — a tract extending twenty miles westward from Fox's hill, and comprising not three thousand but more than three hundred thousand acres. The deeds, moreover, did not purport to be new conveyances. They assumed merely to be in confirmation — explanatory confirmation — of certain loose, large phrases of the Town Evidence granting to Roger Williams "the lands and meadows upon the two fresh rivers mowshausuck and wanasquatuckett," and "all that land from those rivers reaching to Pawtuxet river, as also the grass and meadows upon Pawtuxet river,"— phrases which were helped out in looseness and largeness by a postscript, bearing date 1639,* which explained that "for use of cattle" the lands, "up the stream of Pawtuckett and Pawtuxett," were to be "without limits." Why Harris in procuring his deeds chose to proceed upon the "confirmation" plan may readily be seen. First, the Sachems could more easily be persuaded to sign a paper purporting to confirm a grant already made than one purporting to make an additional grant; and second, an additional grant must under the terms of the Colony order of May 17th, 1659, inure to the benefit of the whole town, whereas a confirmation grant could be so worded as to fix at twenty miles west from Fox's hill the

*The date 1639 was not upon the postscript at the time when the latter was added to the Town Evidence.

limits not only of the original township of Providence, but of that particular part thereof which Harris and his partners exclusively owned — the Pawtuxet purchase.

At all events the deeds were procured and, on March 26th, 1660, were accepted by the town of Providence regardless of the Colony — facts out of which grew the litigation which distracted Rhode Island till the death of William Harris in 1681.

The case which first brought up the general issue as to the limits of the tract named in the Town Evidence was the one first tried — that against the town of Warwick. This was heard at Newport, or Portsmouth, in February and March, 1659–60. It was the contention of Harris, and of the other Pawtuxet proprietors, that the Pawtuxet purchase extended on the south to the Pawtuxet river, but that the proprietors of Warwick, disregarding this, had crossed the river at a point called Toskeunke (now Pontiac) and had cut and carried away the grass from the meadows there. The reply of Warwick was, that admitting that the Pawtuxet purchase extended to the Pawtuxet river, it did not follow that the western boundary of the purchase was further west than the Pachaset river, and that, if not, Toskeunke was wholly outside the purchase and hence within the limits of Warwick, for it lay south of the north line of that town as established under the grant from Miantonomi to Samuel Gorton in 1642. Here then was the issue as to limits squarely presented. And it may be as well perhaps to state at once, that it is difficult to see how, under the language of the Town Evidence *per se*, and the testimony offered upon the trial in question, any other conclusion can be reached than that the western boundary of the Providence and Pawtuxet purchases was at the most no further west than about the line of Pachaset river. For the language of the Town Evidence is that the western boundary of the Providence purchase is fixed by the two points Neutaconkanut hill and Mashapaug, and it was the testimony of William Wickenden and Stukeley Westcott, upon the trial — the one, that it had been agreed between the men of Providence and Pawtuxet that the latter "were not to Runne higher" [farther west] than the men of Providence were at liberty to

do; and the other, that Miantonomi, upon coming to Providence "to sett our Boundes," said "that he never understood the said Boundes to be further than Pachaset river." And it was, furthermore, the testimony of Wickenden, that "he was one that pitched the bounds [in 1640], as between Pawtuxet river and Wanasquatucket, upon equal distance, and that the line went to a rock [Hipses rock] which was as high into the country, as wee considered, as Nataconete hill."

But in spite of this, on March 13th, 1659–60, the jury returned a verdict in the Warwick case in Harris's favor, assessing his damages at two pounds, which upon a rehearing in October were increased to four pounds.

The Harrud case came next. This was an action brought by Harris for forcible entry upon, and cutting timber from, the complainant's lands at Mashantatuck at a spot within five miles of the newly determined bounds of Pawtuxet westward. The trial was held at Newport, in March, 1663–4, and resulted in a verdict for Harris in ten shillings damages. Meanwhile Harris was maintaining an active quarrel with John Towers of Hingham, Massachusetts, because of a purchase by the latter from the Indians on June 17th, 1661, of lands lying within the immediate neighborhood of the complainant's own dwelling at Blackmore pond; and with Edmund Calverly and James and John Sweet of Warwick, because on June 23d, 1662, they had purchased from the Indians a tract of four thousand acres north of the Pawtuxet and west of the Pachaset. As for the case against Harrud, Harris now had a verdict, but he could not get possession thereunder. The town sergeant, whose duty it was to serve execution, evaded that duty, knowing first that he had the sympathy of the community in so doing, and second that if he attempted to discharge his duty, he would be met by the defendant, ax or matchlock in hand. In view of this, Harris, in 1665, appealed to the visiting Royal Commissioners — Carr, Cartwright and Maverick — to be awarded possession. They promised to see to the matter, but left the Colony without doing so. Next the assistance of Colonel Richard Nichols — Royal Commissioner in association with

Carr and the others — was invoked, and he referred the complaints to the Governor and Council of Rhode Island, urging attention. The latter body in turn made reference to the General Assembly, which, in March, 1665–6, ordered that execution issue without delay. But execution, whether issued or not, was not served, and in July, 1667, Harris charged James Rogers, "General Sergeant," before the Assembly with neglect of his office. Rogers was arraigned only to be acquitted, and at the same time the Assembly revoked the act of the prior Assembly ordering execution, on the ground that when ordered all the members from Warwick, "by a providence for want of passage," were absent. But Harris, though repulsed, was by no means as yet defeated, for, in May, 1669, the General Assembly, at his instance, again ordered execution to issue against Harrud. It was issued accordingly, and placed in the hands of Rogers to be served. Rogers proceeded to Mashantatuck, and when arrived there found Harrud fortified in his dwelling, whence, presenting a gun, he called to the sergeant "commanding him in his Majesty's name to stand."

During this period of contest in forum and field with Harrud, Towers, and Calverly, the Pawtuxet leader was waging even a hotter contest with the town of Providence. It was demanded by Harris that the dividing line between the Providence and Pawtuxet purchases should now fully and finally be laid down. There was no dispute over the general course which the line ought to take. The stipulation in the agreement of 1640 (called the Combination) that the course be "on an even distance between the two fresh rivers Pawtuxet and Wanasquatucket" was concurred in by all. Indeed several attempts had already been made by Providence to have the line fully run as thus indicated. But somehow up to 1670 it got no further west than the limits of the town as determined between Miantonomi and Roger Williams in 1638. The reason for this was simple. William Harris had (by his so-called confirmation deeds) procured from the Indians what was to all intent and purposes a new grant of lands. In the eyes of Roger

Williams — the Indians' friend — this was nothing short of a gigantic fraud, and he resolved that Harris should be made to suffer for his conduct. Accordingly when the latter pressed for the running of the Providence-Pawtuxet division line to the twenty-mile limit, Williams in connection with Arthur Fenner and Gregory Dexter (likewise opponents of Harris) stirred up the town to refuse to act. The result was that Harris was precluded from obtaining the setting apart to himself and partners of his and their distinct property — the Pawtuxet purchase.

Out of all this there grew a violent political storm in the Colony. Harris sought in July, 1667, to have Fenner rebuked by the General Assembly. The Assembly on the contrary sustained Fenner, and, fining his accuser fifty pounds, dismissed him from office as a Colony Assistant. Harris was now convinced that affairs with him had reached a critical stage. Through force of adverse public opinion in Providence and Warwick, affecting the conduct of public officers, he had been unable to secure possession of lands to which his title had been established in the Colony Courts. Now, through force of the same public opinion — an opinion which the General Assembly had refused to thwart in its action — he was deprived of all prospect of extending the Pawtuxet line westward to the newly determined bounds of Providence township. The case was desperate and Harris resolved upon an appeal to the King.

It was not until 1675, however, that the Pawtuxet leader could obtain the ear of the English authorities. In that year, through the mediation of Fleetwood Shepard of Privy Garden, he was enabled to submit to the Privy Council a petition that "your Majesty would graciously please to command the Governors of the four Colonyes and their deputies in New England to take care that speedy justice be done your petitioner and partners by hearinge the cause themselves or apointinge such as are just and able men to hear the same, and together with an upright jury equally chosen out of the respective Collonyes to determine all differences concerninge these lands

of Patuxet." This petition was granted, and on August 4th, 1675, was made the basis of a Royal order to the Governors of Massachusetts, Plymouth, Connecticut, and Rhode Island. King Philip's war then intervened, and it was not until 1667 that the Court of Commissioners assembled. The place was Providence, and business was begun on October 3d, in presence of a bench and jury presided over by Thomas Hinckley of Plymouth. Harris and his partners (now reduced to two, Thomas Field and Nathaniel Waterman) filed declarations successively against the town of Warwick, against Edmund Calverly and his associates, against the town of Providence, and against John Harrud and his associates. John Towers had already been declared against, and had appeared personally on October 3d. The declarations in the case of Warwick, and in that of the individual defendants, alleged damages by trespass, and demanded compensation. In the case of Providence the demand was chiefly that the Providence-Pawtuxet line should be run equally between the Pawtuxet and Wanasquatucket rivers as high upwards into the country as a place or pond called Ponaganset.

On the part of Providence, replies to Harris were filed, on or before November 17th — the day of trial — by Gregory Dexter and Roger Williams jointly, and by Roger Williams separately. Replies were also filed by Calverly and by the town of Warwick. But the most interesting feature of the trial was (and is) the written argument submitted to the Court by William Harris, called the "Plea of the Pawtuxet Purchasers." Harris's main point was that the Pawtuxet lands, as described both in the Town Evidence and in the deed from Williams to those of Pawtuxet, "comprehended all the length of the rivers Moshassuc and Wanasquatucket" as measured upon the Pawtuxet. He urged, for example, that the expression in the Town Evidence, "the lands and meadows upon the two fresh rivers Mooshassuc and Wanasquatucket," taken in connection with the further expression, "all that land from those rivers reaching to Pawtuxet river," must be held to mean "the land [upon the Pawtuxet] to the utmost length of

the other two rivers," because, under the "common and statute law of England and the King's grants and patents to all New England, the most favorable construction is to be given [in any supposed doubt] to the grantees." Then again he urged that the bounds named in the Town Evidence as western bounds (Neutaconkanut hill and Mashapaug) would, if so taken, make the town of Providence not only irregular in form but so contracted in dimensions as to embrace an area ("brought to a long square") of only one mile in breadth by four or five in length, which was unthinkable. Wherefore it resulted that Neutaconkanut hill and Mashapaug, being unthinkable as western bounds, or bounds of length, must be taken to have been named as marking merely the breadth of the land on the said rivers. In Harris's own words, these points "being not of length, yet bound, therefore must be of breadth."

The foregoing considerations embodied substantially all that could be gleaned by Harris from the Town Evidence, *per se*, upon which to ask the Court to sustain the claim of himself and partners to all the lands upon the Pawtuxet, west of the Pachaset river (up to which the claim was not generally disputed) as far as the Pond of Ponagansett. They also of course embodied all that could be gleaned upon which to support the demand against Providence that the Pawtuxet line be extended westward from Pachaset river, or Hipses rock, its existing terminus.

As for the postscript dated 1639, which acknowledged a use of the Pawtuxet and Wanasquatucket lands, "up stream without limits," Harris argued that the same was not necessary to his claim, but that it strengthened it. Thus — with fine appreciation of effect — he appealed to the bench of Theocrats before him by citing Ezra vii: 22, where, in the case of a gift by the King of Kings to the King of Israel of a great but unspecified quantity of silver, wheat, wine, and oil, the gift though indefinite was sustained; and by citing Numbers xxxv: 3, where a gift of cities to the children of Israel, includ-

ing the suburbs "for their cattle," was considered to pass title to the suburbs as well as to the cities.

The argument of Harris prevailed with the Court despite the emphatically sound view of Roger Williams that the Providence purchase was limited westward by Neutaconkanut hill and Mashapaug, and that the acknowledgment of "up streams without limits" was a mere courtesy and license. On the 19th, 20th, and 21st of November, 1677, the Court returned verdicts in the complainants' favor. But this was far from settling the great controversy. Warwick at once sent representatives (Randall Holden and John Greene) to England to complain of the composition of the Court which had rendered decision against the town, and in response it was ordered by the King on January 2d, 1678–9, that for the present Warwick should be left undisturbed in its possessions. No sooner, however, had this been done, than William Harris appeared on the scene in England and procured an order that the Warwick case be reheard before the Governor and Magistrates of New Plymouth. The rehearing took place October 28th, 1679, and again a decision favorable to Harris was rendered.

But meanwhile the men of Providence had not been idle. The verdict returned against the town, in November, 1677, required that the Providence-Pawtuxet line be extended westward equally between the Pawtuxet and Wanasquatucket rivers — "till it meet with a thwart line from the head of the Wanasquatucket directly to the Pawtuxet." The all important question therefore was: Where is the head of the Wanasquatucket?

Out of the uncertainties involved in this question, Arthur Fenner and Roger Williams, as representing Providence, made the most. They in fact took a leaf from the book of William Harris himself, and fairly surpassed that master of tergiversation at his own game. Instead of starting their "thwart line" from the natural head and source of the Wanasquatucket ("its old springs and ancient heads"), they started it at a point some distance below, where several streams united with the

main stream; and instead of running it directly to the Pawtuxet, they ran it past Mashapaug, which brought it to the Pawtuxet at Papaquinapaug, a point only about three and one-half miles from the mouth of the stream in question. It is true that afterwards they ran a second line, but this, like the first, was started from the junction of the tributaries of the Wanasquatucket. It was then caused to follow a southeasterly course past Neutaconkanut hill, terminating at the mouth of the Pachaset. That is to say, a determined effort was made to cut the Harris partnership out of substantially all the lands which had come to it under the confirmation deeds, by taking the Pachaset river, which skirted Neutaconkanut hill, as the utmost limit westward of both the Providence and Pawtuxet purchases.

In this shape matters stood when Harris, on April 15th, 1678, felt himself forced to apply to the Court of Commissioners to reconvene the jury which had rendered him a verdict against Providence, to explain the meaning of their words. The jury was again summoned and made explanation that by a "thwart line directly to the Pawtuxet" they had meant and "did intend a square line from the head of Wenaskatucket river to Pawtuxet which said line runneth nearest W. S. W. from the head of Wanasquatucket river to Pawtuxet river which comes from Penhungansit pond, as appears by the maps given into his Majesty's Court." But by this time the Court itself had begun to divide on the point as to the "thwart line" raised by Fenner and Williams, and instead of ordering execution upon the verdict, reported the whole affair to the King and begged for instructions.

Once more thereupon Harris set sail for England. He reached London (as already has been seen) in season to secure an order for a rehearing in the Warwick case. He secured also an order, dated July 9th, 1679, directing the Governor of Rhode Island, John Cranston, to see that the verdicts against the defendants other than Warwick were at once put in process of execution. With these orders he returned home in September, 1679. In October the Warwick rehear-

ing went in his favor, and by November 24th, John Smith of Newport had been sworn as special marshal to deliver to Harris possession of all the Pawtuxet lands involved in the suits against Harrud, Towers and the town of Providence. At this point, however, Harris wavered. He refused to accompany Smith in order to point out the lands which he claimed, and on December 15th Smith made return of this fact to Governor Cranston.

The story of the Pawtuxet litigation proper now rapidly nears its end. Harris decided to make still a further appeal to the King with the object of securing an order for a more specific form of execution against the defendants to his suits. About Christmas time, 1679, he took ship at Boston for England. On the voyage the ship was captured by a Barbary corsair and Harris was taken a prisoner to Algiers, where he was held in durance pending negotiations for his ransom. In the summer of 1681 he was redeemed and painfully made his way to England. Worn and shattered by his hardships, he died within three days after reaching London.

With the death of William Harris, the struggle for the recovery of the Pawtuxet lands soon assumed the appearance of a lost cause. The remaining proprietors, in 1686, appointed Nathaniel Thomas as their agent, who petitioned in turn to Governor Hinckley, the King, and Sir Edmund Andros, for the execution of the verdicts which Harris had obtained, but all to no purpose. In 1705 a petition for execution was made to Queen Anne, who although at first disposed to look upon the case favorably, was soon convinced of the inadvisability of reviving so ancient a struggle. As the English agent wrote home: "My lawyer tells me that he fears it (a new preparation of the case) will be like dressing a cowcumber with oyle and vinegar, pepper and salt, and then throwing it upon the dunghill. That is to say, he doubts that when you have done all, the great length of time that this case has been depending (about 47 years) will be a stumbling block in your way never to be got over." The Pawtuxet proprietors submitted to the inevitable and immediately petitioned to the Providence Coun-

cil for the running of the dividing lines. After considerable negotiation upon the matter, it was finally agreed that the north boundary of the Pawtuxet purchase should be a line running from Mashapaug west fourteen degrees north to the seven-mile line, and the west boundary a line from that point running due south to the Warwick line. Occasional disputes occurred later with descendants of those who in opposition to Harris had purchased land within the above described tract, but the Pawtuxet controversy as a whole was thus virtually ended.

CALENDAR

OF EVENTS IN THE LIFE OF

WILLIAM HARRIS

CALENDAR

[The references No. 1 to No. 134 are to the documents printed in this volume.]

1610. Born. (*Prov. Rec.*, vi : 48.)

1631, February 1. Arrived at Boston in ship Lyon from Bristol, Eng. (Staples, *Annals of Providence*, p. 587.)

1635. Inhabitant of Salem. (Savage, *Geneal. Dict.*, ii : 365.)

1636. Was one of the first six settlers of Providence (Arnold, *History of R. I.*, i : 97), and drew his several shares of land. (Hopkins, *Home Lots*, pp. 30, 60–67.)

1638, October 8. With twelve others made a proprietor of Providence. (*Prov. Rec.*, iii : 90 ; *R. I. C. R.*, i : 19.)

1638, October 8. With twelve others made an owner of lands at Pawtuxet. (*Prov. Rec.*, xv : 31.)

1640, July 27. Aids in drawing up a report called the "Combination," settling a boundary between Providence and Pawtuxet, and arranging several details of town government. (*Prov. Rec.*, xv : 2.)

1640, August 29. Sells land at Pawtuxet to Wm. Arnold. (*Prov. Rec.*, i : 108.)

1641, November 17. With twelve others of Providence, sends a letter to Massachusetts complaining against Gorton. (3 *Mass. Hist. Soc. Coll.*, i : 2.)

1643, [October]. Acts as a mediator between Massachusetts soldiers and Warwick men. (*R. I. Hist. Soc. Coll.*, ii : 113.)

[1644]. Cast out from Town Meeting for assaulting Adam Goodwin. (See No. 22, and *Prov. Rec.*, xv : 121.)

1645, January 30. With others testifies as to action of Massachusetts against Warwick. (*R. I. Hist. Soc. Coll.*, ii : 117.)

1649, April 12. Chosen on a committee to make further division of lands at Pawtuxet. (*Prov. Rec.*, xv : 97.)

1650, [June]. Summoned to appear before Massachusetts General Court to answer petition of Arnold and Carpenter. (*Prov. Rec.*, xv : 32.)

1650, July 31. Verdict from the Court in favor of Harris. (No. 1.)

1650, September 2. Taxed in Providence, £1. 6s. 8d. (*Prov. Rec.*, xv: 33.)

1651, January 29. Bought the right and share of E. Holliman in Pawtuxet. (*Prov. Rec.*, xiv: 76.)

1653, September 5. James Sweet gives receipt for land sold to Harris. (See No. 4.)

1654, April. Harris sells land at Pawtuxet to William Carpenter. (*Prov. Rec.*, xiv: 65.)

1655. A freeman of Providence. (*R. I. C. R.*, i: 299.)

1655, June 4. Mentioned in connection with a "tumult and disturbance" which had occured during the winter. (*Prov. Rec.*, ii: 81.)

1656, May 23. Assembly requests that dispute between Pawtuxet men and others of the Colony be settled by arbitration. (*R. I. C. R.*, i: 339.)

1657, January 12. Charged with high treason by Roger Williams. (*R. I. H. S. Pub.*, i: 216; *W. H Memoranda*, p. 5.)

1657, February 25. Speaks slightingly of Williams in Providence meeting. (*Prov. Rec.*, ii: 100; *N. E. Hist. & Gen. Reg.*, viii: 293.)

1657, April [3]. Obtains from the Indians confirmation deed to land at Pawtuxet. (No. 2.)

1657, May 20. Requested to appear before the July Court to answer Williams's charges. (*R. I. C. R.*, i: 361.)

1657, June 15. Report of arbitrators as to Pawtuxet lands. (*Prov. Rec.*, xv: 94.)

1657, July 4. Examined upon the charge of high treason by the Assembly, which being unable to decide, send his writings over to their English agent. (*R. I. C. R.*, i: 364.)

1657, December 25. Writes to W. Arnold and others, explaining the intention of the award of the arbitrators. (No. 3.)

1659, February 7. His copy of the Towne Evidence declared to be a true copy. (*Prov. Rec.*, iv: 70.)

1659, April 27. Proposes with Field and Arnold to set the

bounds between Providence and Pawtuxet according to the "Combination" of 1640. (*Prov. Rec.*, xv : 76.)

1659, August 15. Receives a confirmation deed to Providence and Pawtuxet lands signed by Cussuckquansh and Nenekelah. (*Prov. Rec.*, v : 302.)

1659, December 1. Receives a confirmation deed to Providence and Pawtuxet lands signed by Scuttape and Quequaganewett. (*Prov. Rec.*, v : 305.)

1660, January 27. Request for copies of several town papers granted. (*Prov Rec.*, ii : 122.)

1660, February 20. With others brings suit against town of Warwick for cutting plaintiff's grass. (No. 4.)

1660, March 6. Appointed on committee to report on E. Manton's land. (*Prov. Rec.*, ii : 124.)

1660, March 6. Obtains leave to carry the Towne Evidence to Newport to be used in court. (*Prov. Rec.*, ii : 123.)

1660, March 13. At a Court of Trials in the case of Harris et al. vs. the town of Warwick, the jury renders a verdict of £2 damage and costs for plaintiffs. (*MS. R. I. Colony Records, 1640–1669*, p. 95.)

1660, March 26. Upon his petition, the town of Providence owned the Providence-Pawtuxet line to run midway between the two rivers twenty miles. (*Prov. Rec.*, ii : 125.)

1660, April 27. Chosen on committee to take charge of payment for confirmation deeds; also on committee to fix the twenty-mile bound. (*Prov. Rec.*, ii : 127.)

1660, May 22. Deputy to Assembly from Newport[?]. (*R. I. C. R.*, i, 428.)

1660, October 1. Moderator of town meeting. (*Prov. Rec.*, ii : 133.)

1660, October 9. Upon a rehearing of case of Harris et al. vs. Warwick jury finds for Harris £4 damage. (*MS. R. I. Colony Records, 1640–1669*, p. 98.)

1660, October 18. Deputy to Assembly from Providence. (*R. I. C. R.*, i : 431; *Prov. Rec.*, ii : 133.)

1660, October 27. Assists in drawing up reply to Williams

concerning the purchase of lands from the Indians. (*Prov. Rec.*, ii : 134.)

1661, January 27. Participates in purchase of land at Aquednesett. (*Prov. Rec.*, ii : 139.)

1661, April 27. Committee appointed by Providence council to meet with Pawtuxet men to run dividing line between the two towns. (*Prov. Rec.*, iii : 2.)

1661, October 8. Has judgment rendered against him in rehearing of case of Harris et al. vs. Warwick before the General Court. (No. 7.)

1662, February 18. Granted six acres of land in "the Neck." (*Prov. Rec.*, iii : 14.)

1662, May 22. Deputy to Assembly from Providence. (*R. I. C. R.*, i : 468 ; *Prov. Rec.*, iii : 23.)

1662, June 9. Bought George Way's half share of Providence lands. (*Prov. Rec.*, iv : 95.)

1662, June 17. Deputy to Assembly from Providence. (*R. I. C. R.*, i : 480.)

1662, October 14. Brings suit against Burton, Wickes, Harrud et al. for trespass. Jury renders against them a verdict of guilty, but Court refuses to grant judgment on account of a technicality. (*MS. R. I. Colony Records, 1646–1669*, p. 118.)

1662, October 28. Deputy to Assembly from Providence. (*R. I. C. R.*, i : 492 ; *Prov. Rec.*, iii : 27.)

1662, October 28. His case against W. Burton et al. referred by the Assembly to the courts of law. (*R. I. C. R.*, i : 496.)

1663, February 28. Receives back from the town clerk the accounts of disbursements he had made to the Indians for lands. (*Prov. Rec.*, iii : 32.)

1663, March 7. His two sons testify as to Warwick men cutting grass upon his and W. Field's meadows at Toskeunk. (Nos. 11 and 12.)

1663, May 15. Court orders Harrud and others to be examined as to Harris's charges. (*MS. R. I. Colony Records, 1646–1669*, p. 121.)

1663, August [31]. Signs agreement between the Providence and Pawtuxet men that the latter shall pay one quarter of the confirmation money. (No. 13.)

1663, September 28. Petitions the town meeting in behalf of Joshua Verin for the restoration of the latter's right of land. (*Prov. Rec.*, iii : 40, and No. 14.)

1663, October 14. Deputy to Assembly from Providence. (*R. I. C. R.*, i : 504 ; *Prov. Rec.*, iii : 40.)

1663, November 24. Deputy to Assembly from Providence. (*R. I. C. R.*, i : 508 ; *Prov. Rec.*, iii : 44.)

1664. Early in this year he went to England. (See No. 42.)

1664, March 8. Court of Trials renders a verdict in his favor, with ten shillings damages, in his case against Harrud. (No. 17.)

1664, October 31. His petition referred by the Assembly to the next meeting of the court. (*R. I. C. R.*, ii : 86.)

1665, January 27. Harris et al. petition Providence council for survey of the line between Providence and Pawtuxet. (*Prov. Rec.*, xv : 105 ; see also No. 20.)

1665, February 22. Chosen deputy to Assembly from Providence. (*Prov. Rec.*, iii : 59.)

1665, March 31. Pawtuxet and Providence agree upon a dividing line between the two towns, and commissioners are appointed to run it. (*Prov. Rec.*, iii : 60.)

1665, May [14]. Assembly refers difference between Harris and Calverly to Royal Commissioners. (*R. I. C. R.*, ii : 106.)

1666, February 19. Drew share No. 37 in division of land on the east side of the "seven-mile line." (*Prov. Rec.*, iii : 72.)

1666, March 29. His petition to General Assembly, praying for execution of judgment against Harrud, granted. (*R. I. C. R.*, iii : 143.)

1666, May 2. Chosen Assistant in the Assembly. (*R. I. C. R.*, ii : 147.)

1666, May 31. Engages allegiance to the King. (*Prov. Rec.*, iii : 101.)

1666, September 4. Appointed by the Assembly on a com-

mittee to collect money due John Clarke. (*R. I. C. R.*, ii : 176.)

1666, November 14. Writes to Capt. Deane regarding Roger Williams. (*W. H. Memoranda*, p. 1.; *R. I. Hist. Soc. Pub.*, viii : 67.)

1667, April 10. Granted permission to change his land at Cold Spring and at Weybosset Plain. (*Prov. Rec.*, iii : 95.)

1667, April 11. Granted land at Ascocanoxsuck. (*Prov. Rec.*, i : 36; iii : 96.)

1667, April 27. Moderator of town meeting. (*Prov. Rec.*, iii : 95.)

1667, May 1. Petitions the Assembly concerning the serving of the execution at Meshantatuck. (See *R. I. C. R.*, ii : 205, 210.)

1667, May 2. Chosen Assistant in Assembly and objection to his election overruled. (*R. I. C. R.*, ii : 186.)

1667, May 2. His petition regarding Meshantatuck referred to next meeting of Assembly. (*R. I. C. R.*, ii : 205.)

1667, May 6. Upon Harris's indictment, B. Herenden is adjudged guilty of resisting a constable and fined fifty shillings. (*MS. R. I. Colony Records, 1640–1669*, p. 241.)

1667, May 9. His share in the fifty-acre division laid out. (*Prov. Rec.*, v : 317; xv : 116.)

1667, June 3. Moderator of town meeting. (*Prov. Rec.*, iii : 102.)

1667, June 10. Providence sends to other three towns a letter of protest, "The Firebrand Discovered," against Harris. (No. 22.)

1667, June 24. Moderator of town meeting. (*Prov. Rec.*, iii : 103.)

1667, July 2. His charge against Fenner and others for riotous action in town meeting dismissed by the Assembly. The town officers chosen by virtue of Fenner's warrant declared legally elected. General Sergeant cleared of Harris's charge of neglect of office in not serving execution at Meshantatuck, and execution deferred. Harris

fined £50 and discharged from office of Assistant. (*R. I. C. R.*, ii : 200–211.)

1667, July. Harris writes to Col. Nichols concerning the action of the Assemby. (No. 23.)

1667, July 24. Col. Nichols writes Gov. Brenton, complaining of the action against Harris. (*R. I. C. R.*, ii : 233.)

1667, July 27. Town of Providence writes Assembly charging Harris with riotous proceedings. (*Prov. Rec.*, xv : 117.)

1667, October 23. Herenden sues Harris and others for trespass. (*MS. R. I. Colony Records, 1646–1669*, p. 246.)

1668, May 6. Re-elected Assistant in the Assembly. (*R. I. C. R.*, ii : 223.)

1668, June 1. Warwick protests against election of Harris. (*Warwick Town Records*, quoted in Arnold, i : 335.)

1668, August 31. Town of Providence sends to the Assembly a letter of protest and complaint against Harris. (*Prov. Rec.*, xv : 121.)

1668, October 21. Harris declared by Court of Trials not guilty of charge brought by Herenden. (*MS. R. I. Colony Records, 1646–1669*, p. 250.)

1668, October 29. His fine, in consequence of advice from Col. Nichols, remitted. (*R. I. C. R.*, ii : 237.)

1669, January 29. Committee report upon division line between Providence and Pawtuxet. (*Prov. Rec.*, xvii : p. 215.)

1669, April 26. Warwick writes to the Assembly regarding Harris's fine. (*MS. Copies of Warwick Records*, p. 8.)

1669, May 5. Harris re-elected Assistant in the Assembly. *R. I. C. R.*, ii : 242.)

1669, May 14. Assembly grants execution in Meshantatuck case to Harris according to the verdict of 1663, unless the matter be mutually settled before October. (*R. I. C. R.*, ii : 253.)

1669, June 7. Town of Warwick protests and refuses to assist in serving execution. (*Warwick Records* quoted in Arnold, i : 338.)

1669, July 20. Calverly writes to Gov. Arnold concerning Meshantatuck matter. (No. 24.)

1669, August 24. Roger Williams writes to Whipple a long and abusive letter concerning Harris. (*R. I. Hist. Soc. Proc. 1877–78*, p. 64; *R. I. Hist. Tract*, xiv: 25.)

1669, September 13. Warwick writes to Providence, complaining of Harris. (No. 25.)

1669, October 18. Town of Warwick sends to the Assembly a letter of complaint against Harris. (*Warwick Records* quoted in Arnold, i: 340.)

1669, December 15. Harris addresses to Providence Council a letter of protest against "Dexter's Plaster." (No. 27.)

1670, May 1. His son testifies as to Warwick men resisting execution at Meshantatuck. (Nos. 28, 29.)

1670, May 4. Not elected Assistant, there being doubt as to whether he or Fenner was chosen. (*R. I. C. R.*, ii: 302.)

1670, June 6. Chosen a member of town council. (*Prov. Rec.*, iii: 152.)

1670, July. Has controversy with Wm. Carpenter over land at Spectacle Meadow. (Nos. 30, 31, 32.)

1670, October 21. Obtains testimony as to length of Woonasquatucket River. (No. 33.)

1670, November 10. Deeds land on Pocasset River to his son Andrew. (*Prov. Rec.*, xiv: 60.)

1671, May 3. Chosen General Solicitor. (*R. I. C. R.*, ii: 375.)

1671, June 5. Appointed town surveyor. (*Prov. Rec.*, iii: 200.)

1671, November 27. Requested to draw up grievances as to colony tax. (*Prov. Rec.*, iii: 204.)

1672, [February]. Writes a long argument in favor of Connecticut's claim to the Narragansett territory. (No. 34.)

1672, February 24. Arrested by order of the Assembly for speaking and writing against the Charter. (*R. I. C. R.*, ii: 429.)

1672, April 2. His petition to the Assembly refused a reading through being improperly directed. (*R. I. C. R.*, ii: 435.)

1672, August 9. Attends debate between Williams and the

Quakers at Newport. (*G. Fox digg'd out of his Burrowes*, p. 37.)

1672, August 17. Attends continuation of the debate at Providence. (*G. Fox*, p. 205.)

1672, October 30. Deputy from Providence to Assembly. (*Prov. Rec.*, iii: 225; *R. I. C. R.*, ii: 465.)

1673, May 7. Chosen Assistant in Assembly. (*R. I. C. R.*, ii: 484.)

1675, April 12. Drew share 53 in lands west of "seven-mile line." (*Prov. Rec.*, iv: 46.)

1675, April 26. Writes Sir Joseph Williamson and others concerning redress from the King. (Nos. 35, 36, 37.)

1675, April 29. Writes an account of New England for the use of English officials. (No. 39.)

1675, May 24. Drew share 41 in second division of lands east of "seven-mile line." (*Prov. Rec.*, iv: 48.)

1675, June 11. Addresses several petitions to the King, which are referred to the Committee for Plantations. (Nos. 40, 41, 42.)

1675, August 4. Committee for Plantations report on the Harris case. (*Cal. of State Papers, Am. & W. I., 1675–76*, p. 261.)

1675, August 4. The King commands the New England Governors as Commissioners to appoint an impartial jury. (*Conn. Col. Rec.*, ii: 586.)

1676, January. Returns to New England at about this time. (Hutchinson, *Coll. State Papers*, p. 506.)

1676, May 3. Chosen Assistant in the Assembly. (*R. I. C. R.*, ii: 542,)

1676, June 19. Appointed on a committee to choose a suitable garrison at Providence. (*R. I. C. R.*, ii: 546, 572.)

1676, July 3. Petitions Newport council for administration on his sister's estate. (No. 45.)

1676, August 12. Writes to Williamson concerning the Indian uprising. (No. 46.)

1677, February 8. Connecticut Council signifies to Harris its

readiness to attend to the King's command. (*Conn. Col. Rec.*, ii : 487.)

1677, June 4. Receives power of attorney from Field and Waterman, Pawtuxet proprietors. (No. 47.)

1677, June 4. Chosen on Providence town council. (*Prov. Rec.*, viii : 17.)

1677, June 6. Gov. Leverett writes Gov. Winslow concerning Harris's application for a Commission. (No. 48.)

1677, June 9. Gov. Winslow writes that Hinckley and Cudworth are the Plymouth appointees. (No. 49.)

1677, June 12. Writes to Gov. Leverett stating his complaints. (See No. 51.)

1677, June 23. Gov. Arnold writes that Sanford and Greene are the R. I. appointees. (No. 50.)

1677, July 3. Gov. Leverett writes Gov. Winslow concerning the appointment of a Commission. (No. 51.)

1677, July 6. Gov. Leete notifies Gov. Leverett that Richards and Palmes are to be the Connecticut appointees. (No. 52.)

1677, August 6. Harrud writes Calverly to appear in defence of his claim. (No. 53.)

1677, August 16. Gov. Leete appoints Allyn and Palmes on the Commission. (Hinman, *Antiq. of Conn.*, p. 101.)

1677, August 22. First meeting of Commissioners at Pawtuxet. Primary organization effected. (*Conn. Col. Rec.*, ii : 588.)

1677, September 1. Answer to Harris's "bill," as drawn up by a committee, accepted by town of Providence. (*Prov. Rec.*, viii : 19.)

1677, September 17. Harris writes to Gov. Winslow concerning the approaching meeting of the Court. (No. 53½.)

1677, September 17. Writes to Gov. Winslow asking that William Randall may be summoned to answer charge of trespass. (No. 54.)

1677, September 22. Gov. Winslow writes to Gov. Hinckley concerning another meeting of the Commissioners. (No. 55.)

1677, September 29. Gov. Arnold writes to the Commissioners concerning the approaching meeting. (No. 56.)

1677, October 1. Holden and Greene appointed attorneys for Warwick. (*Warwick Records* quoted in Arnold, i: 434.)

1677, October 3. Court meets and adjourns to November 17. (No. 57.)

1677, October 12. Addresses to the Court his declaration against Calverly et al. (No. 58.)

1677, October 13. Addresses to the Court his declaration against the Town of Warwick. (Rider's *R. I. Hist. Tract*, ser. 2, no. 4, p. 85.)

1677, October 13. Addresses to the Court a declaration against the Town of Providence. (Rider's *Hist. Tract*, ser. 2, no. 4, p. 87.)

1677, October 15. Addresses to the Court a declaration against the Town of Providence. (No. 59.)

1677, October 18. Roger Williams addresses to the Court a reply to Harris. (*Narragansett Club Pub.*, vi: 387; *Prov. Rec.*, xv: 162, where it is dated August 18.)

1677, October 27. Town of Providence chooses three men to answer summons of Harris. (*Prov. Rec.*, viii: 21.)

1677, November 17. Addresses a general petition to the Court. (No. 60.)

1677, November 17. Addresses to the Court a declaration against Towers. (No. 61.)

1677, November 17. Addresses to the Court a plea covering all his cases. (*R. I. Hist. Soc. Pub.*, i: 185.)

1677, November 17. Submits to the Court various bills of costs. (Nos. 62, 63, 64, 65, 66.)

1677, November 17. The answer of the Providence men to Harris's charges. (Nos. 67, 68.)

1677, November 17. The answer of Roger Williams to Harris's charges. (Rider's *Hist. Tract*, no. 14, p. 52.)

1677, November 17. The answer of Calverly in behalf of Harrud et al. (No. 69.)

1677, November 17–24. Proceedings of Court. Harris obtains a verdict in his favor in each case. (No. 70.)

1677, November 19. Testimony given as to length of Woonasquatucket River. (No. 71.)

1677, November 19. Sixteen of the Providence proprietors protest against continuing the controversy with Harris. (*Some W. H. Memoranda,* p. 6.)

1677, November 22. Answer of Dexter and Fenner to Harris in regard to damages. (No. 72.)

1677, November 24. Court orders Providence to run line between Woonasquatucket and Pawtuxet Rivers as far as a thwart line from head of former river to latter river. (*Prov. Rec.,* viii : 46 ; xv : 174.)

1677, November 24. Court orders Town Sergeant to deliver possession of lands on south side of dividing line to Pawtuxet proprietors. (No. 73.)

1677, November 29. Warwick appoints Holden and Greene to proceed to England to protest the verdict. (*Warwick Records,* quoted in Arnold, i : 434.)

1677, December 24. Providence appoints three men to view the head of Woonasquatucket River. (*Prov. Rec.,* viii : 21 ; xv : 175.)

1677, December 31. Warwick writes to Providence concerning her northern line. (*Prov. Rec.,* xv : 176.)

1678, April 6. Harris proposes a mutual survey of the head of Woonasquatucket River. (No. 74.)

1678, April 15. Harris writes to Gov. Hinckley concerning his inability to obtain execution of the verdicts. (No. 75.)

1678, April 27. Providence accepts the return of the committee and orders that John Smith survey the line. (*Prov. Rec.,* viii : 28.)

1678, [May 8]. Town appoints Fenner as attorney to the adjourned meeting of the Court on May 23. (*Prov. Rec.,* viii : 29.)

1678, May 21. Olney and Whipple write the Court that the line has not yet been run. (No. 76.)

1678, May 23. Harris petitions the Court for execution of previous verdicts. (No. 77.)

1678, May 24. Court meets in Boston, but owing to absence of Connecticut members, adjourns until June 18 to Providence. (No. 78.)

1678, June 3. In Providence town meeting it is voted that John Smith attend the approaching meeting of the Court "to vindicate his Act in reference to y^e^ Map." (*Prov. Rec.*, viii : 31.)

1678, June 18. Harris petitions the Court concerning the thwart line and dividing line. (No. 79.)

1678, June 18. Roger Williams writes Gov. Hinckley concerning the Harris case. (*R. I. Hist. Soc. Pub.*, viii : 157.)

1678, June 18. Court meets at Providence and adjourns without action until October 1. (No. 80.)

1678, June 19. Court summons Connecticut jurors to be present at its next meeting. (No. 81.)

1678, [July 17]. Holden and Greene address a petition to the King concerning Harris. (5 *Mass. Hist. Soc. Coll.*, i : 505.)

1678, July 30. Committee for Plantations receive a reply from Stoughton and Bulkley, the Massachusetts agents, to the complaint of Holden and Greene. (No. 82.)

1678, July 30. Holden and Greene reply to Stoughton and Bulkley. (*Cal. State Papers Col., Am. & W. I., 1677–80*, no. 767.)

1678, July 30. Committee for Plantations take petitions into consideration. (*Cal. State Papers Col., Am. & W. I., 1677–80*, no. 768.)

1678, August 15. Harris addresses to Sergeant Steele a query concerning descent of estates. (No. 83.)

1678, September 7. Samuel Winsor arrested for assault upon Harris. (*Prov. Rec.*, xv : 182.)

1678, October 1. Harris presents a petition to the Court meeting at Providence by adjournment. (No. 84.)

1678, October 3. The R. I. Commissioners protest the action of the Court on account of the absence of a Connecticut member. (No. 85.)

1678, October 5. Gov. Leverett sends to England the Court's proceedings in the Harris case. (No. 86.)

1678, November 27. Gov. Cranston sends to the King the proceedings in the Harris case. (*Cal. State Papers Col., Am. & W. I., 1677–80*, no. 836.)

1678, December 4. Harris draws up his will. (*Prov. Rec.*, vi : 56.)

1678, December 4. Harris gives power of attorney to two of his children. (No. 87.)

1679, January 2. Committee for Plantations advise that Warwick be undisturbed until Harris establishes his title before King in Council. (*Cal. State Papers Col., Am. & W. I., 1677–80*, no. 858 ; see also No. 95.)

1679, January 31. Order in Council that Warwick be undisturbed, and that Harris and partners have peaceable possession of Pawtuxet. (*Cal. State Papers Col., Am. & W. I., 1677–80*, no. 872.)

1679, May. Harris arrives in England at about this time. (*R. I. C. R.*, iii : 67 ; *Cal. State Papers Col., Am. & W. I., 1677–80*, no. 1005.)

1679, [May]. Harris petitions the King in answer to Holden and Greene. (No. 88.)

1679, June 19. Committee for Plantations advise that Harris-Warwick case be referred to New Plymouth for determination and that Harris have possession of his lands according to the order of January 31. (*R. I. C. R.*, iii : 66.)

1679, July 1. Harris assessed a tax of 15s. 7½d. (*Prov. Rec.*, xv : 188.)

1679, July 1. New Plymouth sends to King letter of October 5, 1678, which, being wrongly addressed, had been returned to New England. (*Cal. State Papers Col., Am. & W. I., 1677–80*, no. 1042.)

1679, July 2. Board orders that Committee's report of June 19 be prepared for King's signature. (*R. I. C. R.*, iii : 67.)

1679, July 4. Roger Williams writes to Hinckley regarding Harris. (4 *Mass. Hist. Soc. Coll.*, v : 29.)

1679, July 7. Secretary Allyn, in a letter to Saffin, mentions Harris as agent of Connecticut. (*Conn. Col. Rec.*, iii : 274.)

1679, July 9. King orders New Plymouth to decide upon Harris's case with Warwick, and to enforce the rest of

the verdicts if neglected by Rhode Island. (*Prov. Rec.*, xv : 191.)

1679, September 25. Harris writes New Plymouth in regard to the King's order. (No. 89.)

1679, September 29. Richard Smith, in a letter to England, mentions Harris as having returned to Narragansett. (No. 90.)

1679, September 30. At a meeting of the Governor and Council of Rhode Island the King's orders are considered and notice sent to those affected by the verdicts. (No. 91.)

1679, October 9. Connecticut informs the King of the appointment of Harris as her agent for Narragansett Country. (*Conn. Col. Rec.*, iii : 278 ; see also iii : 38.)

1679, October 15. Harris chosen Deputy to Assembly from Providence. (*Prov. Rec.*, viii : 59.)

1679, October 25. Stephen Arnold testifies as to Pawtuxet and Toskeunk. (No. 92.)

1679, October 25. Sanford and Coggeshall testify as to former verdict of Court. (No. 93.)

1679, October 28. At a meeting of the Governor and magistrates of Plymouth, Harris makes his plea in behalf of the Pawtuxet purchasers. (No. 94.)

1679, October 28. Holden and Greene make their plea in behalf of the Warwick purchasers. (No. 95.)

1679, November 1. The parties in the case inform the Plymouth Court what persons they represent. (*Plym. Col. Rec.*, vi : 22.)

1679, November 2. Gov. Winslow writes to the King of his decision in favor of Harris as against Warwick. (No. 96.)

1679, November 3. Governor and Council of Rhode Island send notice to Providence men to appear at their next meeting. (See No. 91.)

1679, November 15. Providence chooses three men to attend Council at Newport, although the vote is protested. (*Prov. Rec.*, viii : 60.)

1679, November 17. Governor and Council appoint John Smith, marshal, to see that the first and last three verdicts are executed in Harris's favor. (See No. 91.)

1679, November 21. Harris declares the willingness of Pawtuxet men to assist marshal. (Rider's *Hist. Tracts*, ser. 2, no. 4, p. 97.)

1679, November 21. Warwick men protest to Governor and Council against granting execution beyond Pachasset River. (No. 97.)

1679, November 24. Clark and Ward protest against appointment of Smith as marshal as being prejudiced. (No. 98.)

1679, November 24. Smith takes oath before Governor and Council for faithful performance of duty. (See No. 91.)

1679, December 1. Harris writes instructions as to manner of execution. (No. 99.)

1679, December 2. Assembly grants Harris reimbursement for colony expenditure which had several times before been refused. (*R. I. C. R.*, iii : 75.)

1679, December 4. Smith goes to Pawtuxet to give Harris execution, but nothing results on account of disagreement as to method of procedure. (See No. 91.)

1679, December 15. At a meeting of the Governor and Council, Smith makes his return, asserting that the plaintiffs refused to point out the lands according to the verdict. (See No. 91.)

1679, December 15. Connecticut empowers Harris to act as her agent in England for the Narragansett lands. (*Cal. State Papers Col., Am. & W. I., 1677–80*, nos. 1225, 1226.)

1679, December 17. Gov. Cranston writes Gov. Winslow that Rhode Island has attempted to grant execution to Harris. (*R. I. Hist. Soc. Pub.*, vi : 108.)

1679, December 25. Harris sails for England. (*Cal. State Papers Col., Am. & W. I., 1677–80*, no. 1487.)

1680, January 1. Governor and Council of Rhode Island send report of their proceedings to King. (See No. 91.)

1680, January 6. Gov. Cranston writes to King concerning the action taken by Rhode Island. (*R. I. C. R.*, iii : 78.)

1680, January 24. The vessel in which Harris was sailing captured by an Algerine corsair. (See No. 101.)

1680, February 23. Harris sold in Barbary as a slave and kept in prison for over a month. (See No. 101.)

1680, April 4. Writes Brinley from Algiers that about £300 is demanded from him as a ransom. (No. 100.)

1680, April 6. Writes to his family concerning his trouble and urging them to procure his ransom. (No. 101.)

1680, April 17. Writes to Connecticut concerning his ransom. (No. 102.)

1680, May 5. Assembly suspends order of December 2, 1679, for Harris's reimbursement. (*R. I. C. R.*, iii : 88.)

1680, May 10. Writes to his family concerning his captivity. (No. 103.)

1680, May 14. Connecticut Assembly approves of Governor's action in obtaining Harris as agent and also grants Mrs. Harris £5 for relief in her husband's absence. (*Conn. Col. Rec.*, iii : 51–52.)

1680, June. Connecticut first receives tidings of Harris's captivity. (*Conn. Col. Rec.*, iii : 304.)

1680, [June]. Writes to his family about this time chiefly concerning their spiritual welfare. (No. 104.)

1680, July 3. John Stokes of London writes to Howlong Harris regarding her father's capture. (No. 105.)

1680, July 15. Connecticut offers to give at least £50 toward Harris's redemption. (*Conn. Col. Rec.*, iii : 290.)

1680, August 11. Secretary Blathwayt writes Wharton from London regarding Harris's ransom. (No. 106.)

1680, August 22. Harris writes to his family regarding his ransom. (No. 107.)

1680, September 2. Brinley writes Mrs. Harris complaining of her lack of appreciation of the efforts of her friends. (No. 108.)

[1680, September.] Wharton writes Mrs. Harris concerning her husband. (No. 109.)

1680, October 2. Connecticut magistrates write Harris of their efforts for his redemption. (*Conn. Col. Rec.*, iii : 304.)

1680, October 14. Connecticut orders £300 to be raised for Harris's redemption. (*Conn. Col. Rec.*, iii : 72.)

1680, October 14. Mrs. Harris appoints an attorney to treat with Brinley regarding her husband's redemption. (*Prov. Rec.*, xv : 214.)

1680, October 25. Brinley writes Smith concerning Harris's redemption. (No. 110.)

1680, October 27. Assembly grants Harris reimbursement of £20 for colony expenditures. (*R. I. C. R.*, iii : 94.)

1680, October 30. Wharton writes Mrs. Harris concerning the ransom. (No. 111.)

1680, November 22. Connecticut magistrates write Narragansett proprietors concerning Harris and of his desire for certain papers. (*Conn. Col. Rec.*, iii : 305.)

1681, January 26. John Allyn writes to Wait Winthrop concerning Harris's redemption. (6 *Mass. Hist. Soc. Coll.*, v : 8.)

1681, May 29. Wharton writes Mrs. Harris a letter of friendly advice concerning family matters. (No. 112.)

1681, June 3. Secretary of Massachusetts, in a letter to Sir Lionel Jenkins, refers to Harris's captivity. (*Cal. State Papers Col., 1681–85*, no. 126.)

1681, August 2. Wharton writes Mrs. Harris that her husband has been ransomed. (No. 113.)

1681, October 13. Connecticut Court appoints two men to visit Mrs. Harris and, if need be, to grant her £10. (*Conn. Col. Rec.*, iii : 90.)

1681, December 3. Wharton informs Mrs. Harris of her husband's death three days after his arrival in London. (No. 114.)

1681, December 21. Brinley writes Mrs. Harris concerning her husband's affairs. (No. 115.)

1682, January 12. Mrs. Harris urges her son Andrew to act jointly with her in settling Harris's estate. (No. 116.)

1682, January 21. Inventory of Harris's estate. (*Prov. Rec.*, vi : 75–89.)

1682, February 20. Harris's will, dated December 4, 1678, ap-

proved by the Providence Council. (*Prov. Rec.*, vi: 34, 48–58.)

1682, September 12. Carpenter and others petition for confirmation of award of arbitrators of Pawtuxet land of June 15, 1657. (No. 117.)

1682, November 15. Providence appoints a committee to adjust difference with Pawtuxet. (*Prov. Rec.*, viii: 120.)

1682, November 18. Gov. Hinckley writes to Blathwayt in Harris's behalf. (4 *Mass. Hist. Soc. Coll.*, v: 82.)

1682, November 27. Pawtuxet proprietors protest against award of arbitrators. (*Prov. Rec.*, xiv: 145.)

1683, January 16. Pawtuxet and Providence committees agree that the western boundary of Pawtuxet shall extend to the seven-mile line, and the northern boundary to a line drawn from Mashapaug to a point on the seven-mile line midway between the Woonasquatucket River and the southern bounds of the purchase. (*Prov. Rec.*, iv: 73; xv: 236.)

1683, April 27. Providence approves committee's report and orders lines to be run. (*Prov. Rec.*, viii: 130; xvii: .)

1683, October 31. Waterman and Field petition Assembly for execution of verdicts concerning Pawtuxet. (No. 118.)

1683, November 1. Olney and others testify that Smith, as marshal, on December 4, 1679, did not act according to verdict. (No. 119.)

1685, May 14. Connecticut Court accepts account of £289 9s. 7d. for Harris's ransom. (*Conn. Col. Rec.*, iii: 169.)

1686. Treasurer of Connecticut draws up an account showing an expense of £459 17s. 1d. for Harris's ransom. (No. 120.)

1686, May 12. Pawtuxet proprietors bond themselves to resist award of arbitrators of 1657. (*Prov. Rec.*, xiv: 147.)

1686, June 25. Pawtuxet proprietors make Nathaniel Thomas their attorney. (No. 121.)

1686, July 6. Pawtuxet proprietors petition Gov. Hinckley to enforce verdicts obtained by Harris. (No. 122.)

1686, September 28. Brinley writes Mrs. Harris concerning a codicil to her husband's will. (No. 123.)

1686, December 14. King receives from Pawtuxet proprietors petition for a final determination of whole controversy by a general governor. (*R. I. C. R.*, iii: 209; *Cal. State Papers Col., Am. & W. I., 1685–88*, no. 1060.)

1687, February 19. Olney and Whipple testify as to propositions of Wickes concerning Pawtuxet. (No. 124.)

1687, February 21. Pawtuxet men write instructions to Thomas. (No. 125.)

1687, July 14. Thomas writes Pawtuxet men as to advisability of procuring a new charter. (Rider's *Hist. Tracts*, ser. 2, no. 4, pp. 108, 126.)

1689, March 8. Pawtuxet men write instructions to Thomas. (No. 126.)

1689, [March]. Thomas petitions Sir Edmund Andros for a determination of Pawtuxet controversy. (No. 127.)

1689, May 4. Pawtuxet proprietors divide their lands according to agreement of 1682. (*Prov. Rec.*, iv: 147.)

1694, March 28. James Fitch writes Mrs. Howlong Harris Fenner concerning Connecticut's efforts for Harris's redemption. (No. 128.)

1697, March 23. Rhode Island Assembly decrees that the north side of the Pawtuxet River, as far as its southern branch, shall be the southern boundary of Providence, but only as to jurisdiction. (*R. I. C. R.* iii: 323; see also protest from Warwick in *MS. Copies of Warwick Records*, p. 33, in R. I. H. S. Lib'y.)

1698, July 27. Providence orders that the dividing line between Providence and Pawtuxet be run and the seven-mile line extended southward. (*Prov. Rec.*, xi: 43.)

1699, November 21. Assembly orders that £20 previously due to Harris be paid to Arthur Fenner. (*R. I. C. R.* iii: 384.)

1704. Thomas writes to Pawtuxet men regarding prospective success of the case in England. (Rider's *Hist. Tracts*, ser. 2, no. 4, p. 109.)

[1705]. Pawtuxet proprietors petition Queen Anne that previous judgments in favor of Pawtuxet be executed. (No. 129.)

1705, December 18. Queen approves of Pawtuxet men's peti-

tion and orders Rhode Island to explain why verdicts were not executed. (No. 130.)

1706, February 11. Upon petition of Pawtuxet proprietors, Providence appoints a committee to run seven-mile and dividing lines. (*Prov Rec.*, xi: 105.)

1706, June 10. W. Hopkins and J. Arnold testify that Smith, as marshal, on December 4, 1679, did not act according to verdict. (Nos. 131, 132.)

1706, June 12. Pawtuxet proprietors appoint Chamberlain as English agent. (No. 133.)

1706, September 14. Rhode Island Assembly sends a reply to the Queen's order of December 18, 1705. (*R. I. C. R.*, iii: 559.)

1707, June 12. Chamberlain writes as to failure of Pawtuxet case in England. (Rider's *Hist. Tract.*, ser. 2, no. 4, p. 110.)

1707, August 4. Joseph Williams and others petition proprietors to increase the committee chosen to run the line. (*Prov. Rec.*, xvii: .)

1707, August 4. Proprietors receive a petition that the line shall run due north and south seven miles from Foxes' Hill. (*Prov. Rec.*, xvii: .)

1707, November 7. Pawtuxet committee assures proprietors of its readiness to act. (*Prov. Rec.*, xvii: .)

1708, May 4. Howlong Harris Fenner makes a declaration to the Court at Newport regarding early Pawtuxet affairs. (*R. I. Hist. Soc. Pub.*, iv: 195.)

1708, September 20. Thomas Fenner petitions proprietors to appoint a new committee to run the line. (*Prov. Rec.*, xvii: .)

1709, July 11. Pawtuxet committee petitions proprietors to appoint commissioners. (*Prov. Rec.*, xvii: .)

1710, August 28. Pawtuxet men petition proprietors to appoint commissioners to run line. (*Prov. Rec.*, xvii: .)

1711, May. Line run between Providence and Pawtuxet by order of Providence proprietors. (No. 134.)

1712, March 3. Committees from Providence and Pawtuxet fially agree upon line. (*Prov. Rec.*, xvii: .)

HARRIS PAPERS

[The location of the original of each document is given within brackets at the end of the document itself. Those documents marked as *Cushman Papers* are from the collection of family papers owned by Mrs. Mary Harris Cushman, a lineal descendant of William Harris. Those marked *Harris Papers* are from the volume of manuscripts so labeled in the library of the Rhode Island Historical Society. The *Moses Brown Papers* and *Copies of Warwick Records*, each containing a few Harris documents, are also owned by the Society. The Harris papers in English Archives have been copied from the originals in the British Public Record Office, with the exception of a few which are printed from the volumes of transcripts in the John Carter Brown Library.]

I

VERDICT; HARRIS VS. COLE & CARPENTER, 31 JULY, 1650.

Endorsed by Harris:—Verdict & Judg[ment] I optayned against those y^t^ oposed my right & title in patuxet bearing date y^e^ 31, 5^t^, 1650 in y^e^ Jurisdiction of Massachusets

At a Court held at Boston 31°, 5^mo^, 1650.

Robert Cole and William Carpenter* pl^ts^. against William Harris in an action of trespass for marking trees upon theire

*Cole and Carpenter were two of the Pawtuxet settlers who had submitted themselves to Massachusetts in 1642. Together with William Arnold, on January 30, 1641–42, they had purchased of Socanonoco, Sachem of Pawtuxet, all the land between the Pawtuxet, Pocasset, Woonasquatucket and "great salt" rivers (*Suffolk Deeds*, i: 63). This land, however, had been included in the original purchase made by Roger Williams of the chief sachems in 1638.

land and for a peice of Marsh purchased of Socononoco. Wm. Arnold confessed that Harris did pay his part of the purchase: The Court ordered there should be a division of the Land. Jury found for the Defendt. but the Defendt. desired no costs.

This is a true Coppie taken out of the Records of the County Court of Suffolke.

as attests

Jsa. Addington, Clerk, 1677.

[Cushman Papers.]

2

Indian Deed to Harris, 3 April, 1657.

Providence [3d] 2mth 1657.

These bear witness that I Moscompowes: and I Twopowes, asent to the acts of Myantenomye to the 13 men: and the Convayance of the land, Called pawtucksette to them; as allso that of Apautuck and Achetonsick, of that deed of seale to William Harris; and allsoe we hereby upon Good consideration; and sattisfactione reseved in Cloath, sell and confirme to William Harris, that Righte of ours, namely Two of the thirteene parts in all the sayd lands up the streame of pautucksette River, about eighte miles more or les, to the side of Providence lands one the north; and, or, one any other poynte, The bound shall ly upon, in the devisione betweene the land aforesayd, all the aforesayd lands; with the apurtenances, we sell to William Harris his heires and asignes forever: and hereby binde our heires: and asignes, not to molest nor trouble his, in the aforesayd lands for ever; allsoe we asent to and confirme the act of seale, that Canonacoe made to Roger Williams, of the sayd land for the thirteene purchasors: These lands aforesayd we say we have soulde to William Harris.

wittness our hands. That wee will not molest the purchasers within the lands above sayd and that the purchasers shall not hinder the sayd sellers of the land from their planting as formerly for time to time

Signed & delivered in presence of us
Thomas Harris
Jo^{n} Sayles

× [MARK]

× [MARK]

[From copy made by George T. Paine.]

3

HARRIS TO W. ARNOLD AND OTHERS, 25 DECEMBER, 1657.

Endorsed by Harris: — A Coppy: of a paper, sente, To Will Arnalld: & y^{e} Rest Opening, y^{e} true Intente, of y^{e} Agreemente of The Arbytrators Will Hathhorne Elyezer Lusher John Easton Joseph Torry Aboute Patuxette.* Shewing & reasoning A defference with w Carpenter, Z Roadss & Will Arnold aboute an arbytration or y^{e} award which they will not truly but frauddelently understand

for, Will Carpenter, will A, & Zach Rhodes

i, firste, My willingnes, To devide, y^{e} land.
2, And how, devide it.
3, And why, soe devide it.

*This refers to an award as to Pawtuxet lands made during the preceding June (see *Prov. Rec.* xv: 94). It gave to William Carpenter, Zachary Rhodes, and William Arnold three parts out of four of the land east of the Pocasset River, and to the rest of the thirteen purchasers the remaining fourth part and the land on the west side of the Pocasset river, certain exceptions being made in both divisions.

firste, I am, Allwayes Ready, to devide, because, by devitione, of y^e^ same, Each man, shall posses, his Owne

2ly, And be, in y^e^ better, Capatity, to posses, whomsoever, he shall see Good Reasone to posses, with y^t^ same after hem.

And, for many Reasons beside.

2ly, Thus I am willing, to devide. Three parts, of 4 to Will Carpenter, Will Arnald, & Zach Rhoades, Provided, y^t^ This shall not prejudice, y^e^ five, Acreas, Rights, Nor A six Acrea Righte, Nor, Any Possessers, of Medow, within, y^e^ Tracte aforesayde, And, Reserveing y^e^ vinyarde: And, y^e^ Litle Necke to y^e^ 13 Purchasers, Allsoe, Excepting, y^e^ land of Johne Sailes, If it, or soe much, of It as shall fall within y^e^ tracte aforesayde, youres, or oures, And, Allsoe, to me, my share, within y^e^ Tracte aforesayd

Ob And, where as you say, Will A, & Zac Rho, y^t^ you are to have 3 parts (beside y^e^ Exseptions,) & Reservations, &c. but, Will Carp Admitts, some Exseptions

A To all which, I Answer, & firste, to your firste, Arguemente, In will Ar howse, (will Carp, was not There, It was an Argumente of Admiratione, y^t^ any man should understand, y^e^ writting, but, as you did, to which, I say, I Cannot, become, such a foole, by such a Reasone, as, to thinke, you cannot er, since formerly, you have, soe much mistooke, And, notwithstanding, you, soe say, I Cannot thinke you soe simple, soe, to beleve, &, whether, my Reasone, be not, as Reasonable, as youres, considering, In our former defferences, you, were mistakene, And not I, That Judg.

2 Ob Where as, you say, If, y^e^ exseptiones, be any parte, of y^e^ 3 parts, what, shall you have then? (you say.)

A I answer, 3 parts, of 4, y^e^ exseptions, y^t^ fall, within, your 3 parts, off your 3 parts, Counte, And, y^e^ exseptions, y^t^ fall, within, our 4^th^ are, of our, 4^th^ parte, Counte.

2ly we say, your Rights, are but 4, yet have 3 parts, of 4, parts The exseptions, exsepted.

And, we are 9, and have 9 Rights, &, but, a fourth parte, & y^e^ exseptions, exsepted, alsoe, &, In our 4^th^: & without your tracte, are these shares of medow, Rich Wa Ro W^t^, R C &

ffrances Westo y^t^ was, & Will Arn,* &, how much more I cannot tell

3ly Consider, y^e^ Conveniency, of your land

4ly, y^e^ worth, how land, is there sowld, whereas land, Remote with us, bears noe such price, therefore, not of such worth only, In, maybe, we cannot tell when,

3 ob you say, we have y^t^ land, above pachasett

A I Answer, you disclaimed, our Titulle to it, & therefore, your owne Titull, Thoughe, we Reasoned, with you, to owne it,

2ly To, prevente, such, as might Circomvente, I made a second Purchas, of such, as yourselves, Owned, for y^e^ Owners, of y^t^ land

3ly, yourselves say, we shall not possess it, because, of y^e^ Indeans, upone it,

4ly If we doe, It will be Chargable & troublesome

5ly our Catle, are lyable, to spoyle, in y^e^ use of it, with Indeans traps all which Concidered, you have noe reasone, to complaine, & thus your objections are answered breefly

3ly And now thirdly, Why, so devided, namely yourselves 3 parts, with y^e^ exseptions, The writing, of y^e^ Arbytrators, Intending soe, from these words, firste, In y^e^ 24 line, y^e^ land weste, of Pochasette River, shall, belong to y^e^ 13, purchasers, exsepting, will Arn &c, now concider If Those exsepted out of y^e^ 13, shall yet be, there, of the 13, Then, you will will, have a parte there, with us, allsoe, but, In as much, as you, are there numbered, with y^e^ 13, but yet, being exsepted, not of y^e^ 13, (to possess there) yet there called one of y^e^ 13, for, without you, is not 13, soe likewise y^e^ exsepted lands y^t^ falls within, your 3 parts, Counted, with your 3 parts, yet not off, your 3 parts, (Thoughe Joyned, in your 3 parts Counte, or Number

2ly we Reasone from, a pasage, In y^e^ 26 line, where are

---

*The names to which these abbreviations refer are undoubtedly Richard Waterman, Robert Westcott, Robert Coles, Francis Weston, and William Arnold.

these words, Never-ye-less, Reserveing to Will Carp &c, yet, in ye 24 line, it is sayd, all ye land west ye 13s &c now here, ye land is called all oures yet, Reserveing, to Will Carp a necke, soe yt then from hence we reason thus, As all above, or weste, of Pachasett, is our land, soe 3 parts is youres below, but, out of our, all, is Reserved, will Carp Necke, & soe his necke is cutt off, from our all, elc, our, all, would Cutt off, all his neck, & being reserved, it is taken out off our, all, soe likewise, all ye exseptions, In your, 3 parts, off, your 3 parts, yet, to be taken out, as will Cs necke, out off our, All (above Pachasett)

3ly As Zach Roh his medow, is of our, all; soe ye exseptions, within your 3 parts, is of your 3 parts, but, his, Is Counted, with oures, yet, not off oures, soe ye exseptions, Counted, in your 3 parts yet, to be taken oute of your 3 parts, afterward

4ly we Reasone from ye words, Concerning, ye devitione, in ye 7 line, which is ye first, devitione, of ye whole, (below Pachasett River, into two parts, ye one parte, 3; off (4 = ye other,) one off 4, & & soe it is to be measured, from easte to weste, whence, we Reasone, thus, The whole land, below Pawchasett River, is to be devided, from Easte, to weste, Into, but Two parts, with one line, firste, Therefore, ye exseptions, muste be takene, oute off, those two parts, & being, measured, Througheoute, ye whole, is measured, & then, none is lefte, but all is in ye two parts, soe yt ye exseptions, must be founde within ye two parts, or, noe where,

And where as you objecte, noe neede, of measureing ye lands, all redy devided

I Answer for ye performance, of ye true Intent of ye writting, There is Need; from these words, The land shal be devided from Easte, to weaste, Throughoute, Therefore, oughte to be measured truely, lying, both Easte, & weste, yt land, all redy devided, soe lying

A word, to Zach Rho Use playne dealing, In ye managing, this matter, perswade noe man, to decline, his partners asistance, but, lett every man asiste his partner, to a due posses-

ione of every man, his part And thinke not, y^t your, nor Tho Olln* Jugleing will creddet, your Cause, he hath bene, and will be, as much an enemy to your cause as any man, to his power (for his advantage) Thoughe, he be not willing to be seene, (In y^e coste: & trouble, for his Councell I care noe more, then I care for youres, (In this case) Nor, for y^e coste to make him pay, his parte of y^e chare, If he Refuse, (In due time

Allsoe, All of you Concider, y^e Trouble, you have unnessesarily put us to, & me more then y^e Reste, & I am perswaded, y^t you will have as litle, sattisfactione in this laste, as In, your firste designe, And Certaine I am It will not amounte, to any Christiane acounte, such Continewall strife, And, Thoughe, I forgave you my Charges In y^e massachusetts, & laste of all soughte for none, yet, If you continew troublesome, we will deligently Endevoure Juste, satisfactione, If our reasons prevaille not with you, let us see what Reasons, you have to hinder, you, or us, from such an understanding, of y^e writting, (our thoughte) agreementte

your N^br notwithstanding, your unjuste Continewall strife.

25 Dec 1656 Williame Harris

[Cushman Papers]

4

Case of Harris et al. vs. Warwick, March, 1659–60.

Endorsed :—The verdict & testimonyes.

Portsmouth 20 12 1659

The declaratione of William ffield William Carpentor Zachariah Rhodes & William Harris Plantives all of Providence;

*Thomas Olney (1600–1682) of Providence had received a Pawtuxet share, but had disposed of it at different times to William Field and the Arnolds.

agst. John Smith treasurer of Warwick In the Behalfe of the Towne of Warwicke Defend^{t} in an action of Tresspasse* upon the case bareinge Date the 4th of November 1659 shewing that the Defendant hath cut and carryed away much of y^{e} Plantiffes grasse & hath Exposed much to the ffire and more to the floudes for which cause we bringe o^{r} complainte to this Courte for Redresse & Satisfaction for y^{t} wronge & for recompence of o^{r} charges; the Plantiffes Damadge one hundred poundes starlinge

William Harris A True Copy As Atest
John Sanford Recorder

That Grew one y^{e} North side of Pautuxet River in y^{e} yeare 1659

William Harris

Warwick the 2^{d} of March 1659

The Answere of John Weekes Atorney for John Smith of Warwicke Defendant to y^{e} Declaration of William ffielde William Carpenter Zachariah Rhodes and William Harris of Providence Plantiffes upon an action of Tresspas upon the case bareing Date the 4th of November 1659 wherein the Plantiffes complaine that the Defendant hath cut and carried away much of theire grasse & have Exposed much to the fire and more to the Water to which we answere, wee knowe of noe grasse wee have cut nor carried away nor Exposed to fire or

*The question between Pawtuxet and Warwick depended upon priority of title. If Harris's interpretation of Williams's original grant was correct, the Pawtuxet men owned all land north of Pawtuxet river. The north line of the original Warwick purchase, however, crossed the south bend of the Pawtuxet river. If, therefore, the Providence and Pawtuxet purchase extended no further than the Pocasset river, the territory in dispute, a three-cornered tract lying between the Warwick north line and the south bend of the Pawtuxet, belonged to Warwick. The eastern part of this tract was called Toskeunke (see testimony of Arnold, 25 October, 1679, No. 92 ; and Holden and Greene's petition, 28 October, 1679, No. 95) and the western part, Nachick, or Natick. See the map in this volume.

water of theires & therefore Deny any Tresspase being in no poynt guilty of theire charge neither cann they make any such thing appeare therefore the writ ought to abate and the defendant dismist with good coste for his unjuste Molistation

$\overline{\text{p}}^{\text{r}}$ me John Weeks Atorney

A True Copy As Atests John Sanford Recorder

William Wickenden* beinge Ingadged Testiffieth that the Boundes of the Towne of Providence are the River & ffieldes of Patuckset & the further parte of y$^{\text{e}}$ hill Notacomanet is the northweste Boundes and alsoe the saide Deponant Testifyeth that he was one that pitcht the Boundes betweene Patuckset River and Wonaspatuckset upon an Equal Distance & that the line wente to a Rocke which was as high into the Country as wee consieved as Notaconkonott hill and also Testiffieth that he doth Judg y$^{\text{t}}$ the utmoste Boundes from the Sea is about Six miles & also he testifyeth that Patuckset men were not to Runne higher then Providence by vertue of agreemente betweene Providence & Patuxet

Taken in Courte A True Copy As Atests

John Sanford Recorder

Stukely Westcot† beinge Ingadged Testiffieth that M$^{\text{r}}$ Williams Received the landes of Providence from Miantonomu the Sachim but we had not Boundes Sett where upon we sente to the s$^{\text{d}}$ Sachim to come & Sett our Boundes, hee comeinge there was some Difference between o$^{\text{r}}$ selves, so y$^{\text{t}}$ he went away and Lefte the Lande unbounded, and alsoe he saith

---

*William Wickenden, one of the "second comers" to Providence, who died 1670.

†Stukeley Westcott (1592–1677) an early settler in Providence, but who had for several years been a resident of Warwick. On 6 November, 1648, he had received from the Pawtuxet purchasers a deed of 250 acres near Spectacle Meadow, but on 11 December, 1656, deeded all his Pawtuxet rights to his son Robert. (See deeds in Cushman Papers.)

that they never understood theire Boundes to be further then Pachaset River,*

Taken in Courte helde in March 1659 or 60
A True Copy As Atests John Sanford Recorder

Dated in Warwicke this 5th of September 1653

Whereas I James Sweete of Warwicke have soulde to William Harris a parcell of land lying nere Pachaset River for Twenty poundes these testifieth that I have Reseived the saide Twenty poundes this presente Day of the Date hereof witnesse my hand

Witnesses James [X] Sweete
John Greene Jur Ezekiell Holliman
A True Copy As Atests John Sanford Recorder

[A copy of the original deed of Providence and the "memorandum" are here omitted.]

Mr Benedict Arnold† upon his Engadgment saith ye name Subscribed in the paper where ye Evidence of Providence is was not his hand wrighteing But he saith that he did Subscribe his name to such a paper as that is aboute that time

Taken in Courte held in March 1659‡
A True Copy As Atests John Sanford Recorder

[Harris Papers, p. 87.]

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*Roger Williams always affirmed that the bounds of the Providence purchase did not extend beyond the Pocasset river. (See *R. I. Hist. Soc. Pub.* viii: 156, 158.)

†Benedict Arnold (1615–1678), son of William Arnold, had moved from Providence to Newport in 1651. His name, together with that of Williams, is affixed as a witness to the so-called "memorandum" of 1639.

‡The plaintiffs' declaration was filed Feb. 20, 1660, and the defendant's answer, Mar. 2. The records of the General Court of Trials, under date of Mar. 13 (*MS. R. I. Colony Records, 1646-1669*, p. 95) state that the jury found for the plaintiff £2 damage and cost of court.

5

T. Olney's Testimony, 8 October, 1660.

Endorsed by Harris:—Th° Olney his Testamony proveing y^t Roger williams doth now deny what formerly he did as to bounds of patuxeet medows
8^th 8^th m^th, 1660

Betweene 20 and 22 yeares agone M^r. Roger Williams, Jo: Throckmorton, Stuckley Westcot M^r. William ffeild, William Arnold, William Harris, William Carpenter and my selfe Agreed together to lay out meddows that did belong to patuxit men, wee went the first day that wee went forth to search out what meddow we could finde; We went first to Mashepauge* and there found some, from thence we went to William Harrisses meddow which he now enjoyes, then to spectacle meddow from thence to paupauquinipaug: then M^r. Williams made a motion to us to goe further up patuxet to search for more we assented and soe we went over the river at paupauquinipaug from thence we went to Cowaude from thence we came to Toaskeunck and there wee found a good quantity and M^r. Williams told us it was ours at that present there was at Toaskeunck a grate pawow of Narragansett M^r. Williams said that the Pawow asked him wherfore wee came M^r. Williams said he told him to looke out meddow, that Myantonomy had sold to him, he said that the pawow wondered that Myantonomy should sell that meddow and not make him acquainted with it seing he had the charg of those young men that there dwelt, and as we came home M^r. Williams made a motion to us to give that pawow some small

*A reference to the map in this volume will show the general location of these meadows. If Williams ever expressed such an opinion as Olney implies, it was contrary to all of his written statements.

gratuitye seing he had something to doe with the young men of the place

Providence 8 day 8 moneth 1660 — This I testifie upon that Ingagement is upon me as a Towne Deputye

ꝑ me Thomas Olnye senior

A True Coppie ꝑ mee Joseph Torrey gen Recorder

[Harris Papers, p. 88.]

6

Depositions, 16 March, 1660–61.

Endorsed by Harris:—shewing y^t^ such as now in 1668 deny A harris to be a purchasor did in 1660 grant it

Providenc 16 March 1661:

Wee: James Mathewson, John ffener, Andrew Harris, Thoughe we have bene Allredy Lawfully Received into Purchas Rights, & not as is pretended by such five and Twenty Acre men * as had noe Righte to y^e^ Comone, but by a Lawfull Vote of purchasers & such five and Twenty Acre men as have whole Righte in Comone, & therefore power to dispose, yet we alsoe desire if they please y^e^ free concente of y^e^ Reste of our frends, y^t^ such may be sattisfyde, y^t^ yet unjustly object us and whereas Such sayd there was not acomodatione (for us) yet since they have Received some y^t^ proposed themselves, & have founde Acomodatione for them, & denyed us upone y^t^ ground (pretended) yea Thoughe we lawfully Alredy Received yet say they will pluck up our stakes, yea Thoughe some of us

* A five-and-twenty acre man was one who had obtained a free grant of 25 acres, possessed a quarter share of common land, but had no right to vote until received as a freeman. (See *R. I. Hist. Soc. Coll.*, ix: 33.)

have payd our purchase mony and have possesion delivered to us, Therefore if you are willing we shall injoye as above sayd we Request your hands hereto, We whose names are hereunder writen give our consents y^t they above sayd shall injoye theyr grants Abovesayde

Thomas Harris Jun^r	George (his mark) × Way	Arthur ffener
John Steere	Thomas Harris	John Browne
	John ffield × (mark his)	Williame Harris
	Henry (his mark) × ffowler	Thomas (his mark) × Roberds

I Shadrach Manton doe wittnes that my father did say he was willing that Andrew harris and John Fenner shoold injoy thair purches rights as thay weare receved	Shadrach Manton
	Edward Smith
	Richard × Pray (his mark)
	William ffenner

Henry Browne, Cristofer Smith, Edwarde Inman, John Jones, say they will not apose James Mathuson nor John ffener nor Andrew Harris in theyre purchas Rights, Alsoe Stephen Northup sayt he will not Apose them

Georg Pallmer giveth his Concent to y^e peacable Injoyment of John ffener James Mathueson & Andrew Harris off theire purchas Rights as one y^e other side Specifyde

Georg (his mark) × Pallmer
Joshua Winsor

[On the last page there is a long note in contemporaneous short hand.]

[Harris Papers, p. 88.]

7

Verdict of Court of Trials, 8 October, 1661.

The General Courte of Tryalls held at Portsmouth October the 8th: 1661.

A Rehearing of an Action of Trespass* upon the Case Comenced by Mr William ffeild, William Harris Zachary Roades and William Carpenter, Plaintiffs against Mr John Smith Tresurer for ye Towne of Warwick and in ye behalfe of the Towne of Warwick damage: 100li: And for as much as there apeeres some obstruction in the proceedes in that Action depending between the fore Named Mr ffeild William Harris Zachary Roades and William Carpenter Plaintiffs against Mr John Smith Treasurer of the Towne of Warwick because there is not a Letter of aturney that doth Athorize William Harris to proceede as formerly; and that it doth alsoe apeere that William Carpenter did desert the Cause Therefore to take off all Scruples that may arise by the defendent; Mr William ffeild and William Harris doth Engage in open Court them selves in a bond of five hundred pounds; that they will make good the damage that shall arise upon the Isue of this suite and stand to the verdict and Judgment of the Court in the Case. The verdict of the Jury is wee finde for the defendant with their Charges and Cost of Courte

Wheras wee Randall Houldon and John Greene Ser are deputed by the Purchasers and Towne of Warwicke as Aturneys in their behalfe as well as for our selves to implead William Harris before the honored Comissioners now sittinge at Providence In adjournment and having presented our groundes for a non suit which the honored Court not acceptinge Therfore in sub-

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* This was the action begun in March, 1660. At a rehearing of the case, October 9, 1660, the jury, reversing the former verdict, found for the defendant £4 damage and cost of court "not meddling with title of land." (*MS. R. I. Colony Records, 1646–1669*, p. 98.)

mission therunto wee thus answer unto the declaration of William Harris concerninge the meddowes of Toskeunke, and hill of Nachicke, is that the Plaintiffe hath no lawefull Title to the sayd landes forasmuch as they are within the boundes of Warwick Purchase and are our undoubted rightes hee the sayd Plantife havinge nothinge to shew but his Illimited postscript havinge not the hand of the Granter therunto,* and disowned by the grantee and therfore is a fraudulent deed accordinge to the statute of England, as also an illimited graunt in case it had been subscribed by the graunter makes itselfe voyd in lawe and is such as his Majesty will not justifie and furthermore wee have two verdicts of Jury ag^st^ him in his Majesties Courts of Rhoade Island & Providence in the sayd matter which is confessed in his declaration and the Plantiffe neither made his apeale to the sayd Court nor to his Majesties most Honorable Comissioners and wee have peaceably injoyed the same untill now beinge severall years past since the Triall which matter had the kinges Majestie ben truely informed doubtles the complainant would have lost his labour concerninge procuringe a rehearinge for us

[Cushman Papers]

8

A. AND T. HARRIS, TESTIMONY, PROVIDENCE, 10 OCTOBER, 1661.

Endorsed by Harris:—The Testamony of Tho Harris & Andrew Harris as to y^e^ use & posession of meshuntatack under publique test.

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* This refers to the "memorandum," or postscript, to the original Town Evidence of Providence, which was not subscribed to by the Indian grantees. (See *Prov. Rec.*, iv: 71.)

Andrew Harris and Thomas Harris* Junior being ingaged doe wittness that William Harris hath fed and used the meddowes at pauquobuck or mishantituck both by his Cattle and mowing this eight yeares for in the yeare 1661 they say he mowed it and fetched away the hay besides his Cattle feeding of those meddowes all the time before expressed

Providence this 10th of the 8 mo: 1661

Taken by me Thomas Olney Deputy

Compared with the origenall by mee Joseph Torrey Gennerall Recorder

[Cushman Papers]

9

Indian Deed of Mashantatack, 23 June, 1662.

Endorsed :— wotapunchamins deed about shantecut lands

June the 23d One Thowsand six hundred sixty and two, on which day this worke was Enacted at the dwellinge houses of the salsemen the place being Called Pataconkqueset

Know all men by these presents that wee Wottapunckhomin, Awaskakooke, Shemenahawssowett Coshutaquant, Paquaite and Namponnant, all of us beinge Coessett Indians in the Collony of providence plantations in New-England, In Consideration of Twenty pound in peage six ℔ penny to us in hand paid by James Sweet & John Sweet † his Brother of the Towne

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* Andrew (1635–1686) was the son of William Harris, and Thomas (–1711) was the son of William's brother, Thomas Harris. Andrew, on 1 November, 1655, had sold to Daniel Brown his house and about eight acres of land. (See deed in Cushman Papers.)

† James and John Sweet, sons of John Sweet, were early settlers of Warwick. John lived at Potowomut Neck and James, after King Philip's War, removed to Kingston, where he died, deeding land at Mashantatack to his children.

of Warwick in the Collony afore-said Have given and granted, bargained and sold And by these presents doe give grant bargaine and sell unto James Sweett and John Sweett his brother afore-said all the Lands, and Medowes together with all the timber and other apertanences and Comoditys whatsoever beinge ffour Thousand Acres more or less lyinge within these bounds hereafter Mentioned, that is to say from pachasett River [Notaquoncanutt] from thence to Mameawequate, and soe to Maskataquatt and there joyneth with pawtuxett River cōmonly called soe by the English which is the South bounds, Wee say wee Wotapunkamin, Awaskooke, and the other Indians above-Named; Doe by these presents fully and absolutely grant and pass over all the said four thowsand acres of Land more or less both Medow and upland together with all proffitts Cōmodetys and apertanences whatsoever within the afore-said Bounds above-mentioned from our heires and successors, as alsoe from our selves forever unto James Sweete and John Sweete their heires Executors and Administrators and Asignes forever In Witness whereof wee have subscribed our hands and seales the day and yeare first above written and in the ffourteenth yeare of the Reigne of our Soverreigne Lord the King beinge Charles the Second off England Scotland ffraunce and Ireland King &c together with all his Royall Dominions thereunto belonginge *

Signed Sealed and Delivered in the presence of us: Walter Todd

The marke off × Wotapumchimin [s]
The marke off × Awaskooke [s]
The marke off × Shemenenhocot [s]
The marke of × Quanosett [s]

The marke of × ffrancis Dorby
John Gerryardy
the marke of × Wiquaie.
the marke of × Nakanett.

A True Copy Extracted out of the publick Records of his

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* This deed was the outcome of a petition made to the Assembly 17 June, 1662, by John and James Sweet, Edmund Calverly, Thomas Ralph, William Burton, for themselves and ten or twelve others, that they might

Maj^ties Collony of Rhode Island & Providence plantations. As Atests John Sanford Recorder.

Warwick the 17^th of October 1662 in the Collony of providence plantations in New-England This Deed of Bargaine and Sale of land within mentioned was presented before me John Smith Deputy of the Towne aforesaid and acknowledged a Deed of sayle by Wottapuchamon and Awaskooke within mentioned Vallintine Whitman of Providence and Jeremiah Wastcott of Warwarwick beinge the Interpretors

John Smith Deputy

A True Coppy of the Origonall as Atests. John Sanford Recorder.

[Cushman Papers.]

10

Sweet to Arnold and Rhodes, 15 July, 1662.

Endorsed by Harris: — Under y^e hand of John & James Sweet y^t they have bought y^t land y^e s^d James sould to me W H & providence land alsoe

July the 15^th 1662

Loving neighbours Stephen Arnold and Zachary Roades, wee understand that you make use of certaine medowes lying upon the river leading to Pawtuxet upon what account wee know not, but this wee thought good, to give you notis, of y^t wee have bought all the landes medowes and else, frō Pochaset to masscettaquat and northward as farr as notaquonkanut where-

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be allowed to purchase land from the Indians, which was granted upon condition that the land had not previously been purchased and did not exceed 4000 acres (*R. I. Col. Rec.*, i: 483). The locality of Mashantatack is shown on the map in this volume.

fore take knowledg y^t^ you are not henceforth to mow or make use of any thing either timber or medow without our approbation and consent,

by mee James Sweete in the behalfe of my selfe and my brother John

the marke IS of James Sweet

[Cushman Papers.]

11

T. Harris, Testimony, 7 March, 1662–3.

Endorsed by Harris: — Tollaration Harris his testamony as to warwick mens cutting y^e^ gras of w ffield & w harris at Toskaunk in hay time 1662

Tolleration Harris,* Aged about 18 yeares, being ingaaged doth testifye, that on the 12^th^ of July last past which was in the yeare 1662, he saw Samuell Gorton the younger, John Gorton, Amos westcot: Benjamin Gorton, George Goff, Roger Burlingham and Ebenezzer Moone mow, or cut the Grass of william Feild, and william Harris, both of Providence, the meddowes that the foresaid men were cuting, he saith was at, or about the place called Toskeonke, upon the north side of Pautuxit river.

Providence this 7^th^ of march 1663

Taken by me Thomas Olney Deputy,

[Cushman Papers.]

12

A. Harris, Testimony, 7 March, 1662–3.

Endorsed by Harris:—Andrew harris his testamony as to

* Toleration Harris, born 1645, was the younger of William Harris's two sons. He was killed in King Philip's War.

warwick mens cutting y^e^ grass of W ffeild and W harris at Toskaunk in hay tim 1662

Andrew Harris aged about 28 yeares being ingaaged doth testifye, that he did see Certaine men, Inhabitants of the Towne of warwick, namely these, Samuell Gorton Junior, John Gorton, Benjamin Gorton, Roger Burlingham John Harrud, Amos westcot, Ebenezer Moone, and George Goffe cutting or mowing the Grass and meddowes, of William ffeild of Providence, and William Harris within the boundes of Providence: which meddowes he saith lyeth at or about the place called Toskeonke, on the north side of Pautuxit river, and he saith the time which he saw them so cuting as above said was in hay time, upon the 12 of July last past, in the year 1662.

Providence this 7^th^ of march 1663 so called.

Taken before me, Thomas Olney deputy.

[Cushman Papers.]

13

Providence and Pawtuxet Agreement, August, 1663.

Endorsed by Harris:—a copie of an agreement between providence & patuxcet men as to y^t^ parte patuxcet men pay as to y^e^ confirmations Under y^e^ recorders hand

In providence wee the Committe according to agreement are mett This Last of august 1663 (soe Called) and in the 15 yeare of the Raigne of our Lord the King according to order of the Towne and the men of pautuxett ther consent and are Joyntly agreed not differing: our agreement is as followeth

That pautuxett shall pay and are willing soe to doe namely to pay unto the payment which the narragansitt Sachim had

for the Confirmation* of the Lands of providenc & pautuxett namely twelfe pound and one shilling Eight pence at 6 peag a peny the Quarter part of the whole sumes as for and according to proportion but if it hearafter appeares that the Lands of pautuxett are more then the quarter part of the Land betweene pawtuxett River and pawtuckett River then the men of pautuxett shall pay more according to proportion and if pautuxett Landes hereafter prove Lese then the quarter part of the Land betweene pautuckett and pautuxett then pawtuxett men shall be Retorned ther Just proportion of ther payment back againe

Roger williams
Rich: waterman
Zackary Roades
John browne
James aston
William harris

This is a True Coppie
drane from and
Compared with the
origenall (which Remaines on file) asatest Joseph Torrey
Gen Recorder

[Moses Brown Papers, xviii: 225.]

14

HARRIS TO TOWN OF PROVIDENCE [28 SEPTEMBER, 1663].

To y^e^ Towne of Providenc mett As followeth Joshua Veering† of Barbadosse once of Providenc desireth me to Demand

*This refers to the deeds given by the successors of Canonicus and Miantonimi to the Providence proprietors from 1659 to 1662 confirming the boundaries of the original purchase. (For a discussion of these deeds, see *R. I. Hist. Soc. Coll.* ix: 80; *R. I. Hist. Tract*, 2 ser., iv: 72; Paine's *Denial*, p. 44.)

†Joshua Verin was one of the first comers to Providence, but had departed two years after the settlement. He was now attempting to recover the title to his original right of land. The town, in answer to Harris's request, owned Verin's right (*Prov. Rec.*, iii: 40) and to the time of his death, in 1695, he retained his original purchase share. (See Austin, *Geneal. Dict. of R. I.*, p. 212.)

of (your selves) as (I conseve) his meaning In (his word Tenants.) In a letter to me, To demand his land Therefore I Requeste your Answer to send to hem.

William Harris.

[From Prov. Town Papers, No. 01304.]

15

R. WATERMAN, TESTIMONY, 9 OCTOBER, 1663.

Endorsed by Harris:—Resolved waterman Testifyeth y^e^ house &c, In patuxcet lands under publick test

Resolved Waterman* of Providence being engaged testifieth that there is a house neer that meddow meshuntatack which Is called John Harwoods house which said house is neerer to Pawtuckset river then to wanaspatuckett river. taken before me

Providence the 9^th^ 8^th^ mon^th^ 1663 — John Browne Deputie of Providence

A True Coppie ℔ me Joseph Torrey Gen Recorder

[Cushman Papers.]

16

A. HARRIS, TESTIMONY, 7 MARCH, 1663–4.

Endorsed by Harris:—Andrew Harris his Testamony as to John Harrud & his mens Enteranc (as he sayth) & building a howse 7^th^ march 1663 & 64 under y^e^ recorders test

*Resolved Waterman (1638–1670), son of Richard Waterman of Providence and Warwick.

This proves Thomas Relf & Roger Burlingham forcably entered at meshuntatack y^e^ 13 or 14 of May 1663

About the 13^th^ or 14^th^ of May in y^e^ yeare 1663 weare Entered sertaine persons of y^e^ Towne of Warwicke upon the upland neere Meshuntatak Called by som Paquabuck, namly John Harrud, Thomas Realfe, Roger Burlingham, Thomas Hedger, Juni: Ebenezer Moone, John Rice & Larance Pinnicke;* which saide persons were Cuting out Treese; Clearing timber and beuilding a house upon y^e^ saide land neere Meshuntatock where I did heare William Harris of Pautuxcet & Providence forbid them soe to doe; and Peaceablely had them departe from his sayd land; but some of y^e^ foresayd persons answered & saide the land was their owne and they would begon when they saw their time, but they did not forbeare their worke nor departe the place, also I did see them have axes and other such things in their hands att y^e^ time & place aforesaide—allsoe William Harris aforesaide of Pautuxcet & Providence hath hadd peaceable use of y^e^ land aforesaide to my sertaine knowledge more then three yeares without Intermistion; alsoe I sertainely know that within fewe days before y^e^ time above mentioned the saide men of Warwick were not upon y^e^ land aforesaide att or neere Meshuntatack, I allsoe was by the Constable required to ayed him when he went to Aprehend the persons aforesaide; but they resisted the Constable and would not obey his word nor warant; the saide persons went all into the howse which they were building upon y^e^ land aforesaide and stood with axes in theire hands againste the doore it being open and holding them up redy to strike, and saide to the Constable & his ayde stand off at yo^r^ perell, but the Constable drew neere to y^e^ doore but

*With the exception of Ralph, Burlingame and Rice, very little is known about these early settlers at Mashantatack. Harris, in alluding to Harrud and his partners, often spoke of them as having "fled from Connecticut." Although there is evidence that both Ralph and Burlingame came from Connecticut, there is no record to show that the others came from that colony.

could not enter with out danger of his life by reason of John Harrud aforesaide & the rest of his Company which stod in a desperate posture, holding their Axes up att the Constable & his ayde and y^e^ sayd John Harrud did vow and proteste as he was a living man that if the Constable did sett his foote within the doore he would knocke him downe.

Andrew Harris of pachaset in Providence Jurisdiction aged 29 yeares doth upon his solemne ingaugemente testifies, that the above written is true, and that the word, I heard, and I see, is to be understood himselfe, that he heard, and he saw;

This he afiermeth this 7^th^ of March 1663
1664

Before me Thomas Olney Asistant

This is A True Coppie Compared with the origenall ℔ mee
Joseph Torrey Gennerall Recorder.

[Cushman Papers.]

17

Verdict of Court, 8 March, 1663–4.

Endorsed:—Copie of y^e^ pocreds of cort in Newport march y^e^ 8^th^ 63 : 64 wherin An Atorney is made by y^e^ cort when neither plantiff nor noe Lawfull Atorney was ther &c

At a Court of Tryalls held at Newport: March Eighth 1663/64.

There beinge a Case dependinge in this present Court between William Harris of providence and John Harrud of Warwick and William Harris not apeareinge in Court but his sonn Andrew doth make answer in his steed, and Engage to stand to and performe all that concernes this present case: fully to all intents and purposes to pay and to Receive: The Court doe accept the said Andrew Harris as Agent or Aturny in his ffather William Harris Roome.

An action of Trespass by William Harris of Providence. against John Harrud of Warwick Damage two hundred pound sterlinge.

The Verdict is Wee finde for the plantiff tenn Shillings Damage and Cost of Court. Judgment granted by the Court to be Entred.*

The Jurry on William Harris and Harruds Case.

John Nixon	Henry Timberlake
Edward Thurston	Thomas ffish
Robert Colwell	Joshua Coggeshall
John Cowdall	Samuell Hubbard
John Gould	James Man
Nicholas Cotterill	Tobias Saunders

True Coppys extracted out of the publick Records of his Maj.ties Collony of Rhode Island and Providence Plantations As Atests.

John Sanford Recorder.

[Cushman Papers.]

18

Fenner and Brown, Testimony, 9 October, 1664.

Endorsed :—Arthur ffenor & John Brownes Testamony ov y^t y^e house builte by Horrud is within 5 miles of y^e 20 miles Therfore within y^e bounds &c of An ordonary Plantatione & as [true] allsoe y^t 10 of y^e men of Patuxcet by agreement by arbytration did part with 2 or 3 miles of y^e s^d 5 miles to 3 of those partners for y^e s^d land upward of y^e 20 miles

Under Tho Olney Assistants test

* The action of the Court is in *MS. R. I. Colony Records, 1646–1669*, p. 214. Edmund Calverly, a deputy of Warwick, attempted to obtain a rehearing of the case on the plea that Harrud had not seen the *mandamus* sent him by the Court, but on Oct. 19, 1664, he withdrew his request. (*Idem*, pp. 215–216.)

Providence this 9th of october 1664

Arthur ffenner Aged 41 yeares, and John Browne Aged 35 yeares, both of them being Solemly Ingaged doe witnesse as followeth, that they being desired by William Harris to give in their testimony how furr the house at mishantituck is oneward of the way of 20 miles westward from the hill called foxes hill, they say that ye house aforesaid falleth within 5 miles of the said 20 miles before specified, laying their Compase due north and south 5 miles in length in the west line towards the 20 they say according to their best understanding, they so testifye

Taken by me Thomas Olney Assistant
ye day and yeare abovesaid

They also afirme that upon yt top or high end of neaticonconot hill is 3 miles measured from foxes hill*

Taken upon their ingaugement the day and yeare abovesaid
Before me Thomas Olney Assistant

[From a tracing of the original in the Cushman Papers.]

19

SMITH AND CARPENTER, TESTIMONY, 16 OCTOBER, 1664.

Endorsed by Harris:—B Smith Josep Carpenter as to specticle meddow — which James Sweet Toke 20 li for of W H

Under an asistant test, shewing yt Harruds enterance is upon providence allso

Benjamin Smith aged 32 yeares, and Joseph Carpenter,

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* The distance from Fox Point to Neutaconkanut Hill, as measured by modern surveys, is three and a half miles.

Aged 26 yeeres,* being solemnly Ingauged doe both testifye, that they both ofe them Run a line upon or by a compase from the mouth of pachaset river, due north unto the path that goeth from the Towne of Providence unto neautoconconet, and when they were at the said path they set their Compase due east, and find that from that path where they set their Compase due east being the place which the north line run to, before specified, they say that from that place due east if not past two miles and a halfe to providence Bridge. and they say that as they run the north line aforesaid they run thorrew a corner of spectacle meddow and neere through the middle of a pond called pesaumkamesquesit : †

Taken by me Thomas Olney Assistant
this 16th day of October 1664

[Cushman Papers.]

20

Harris and others to Providence Town Meeting, 27 January, 1664–5.

Endorsed by Harris :—Patuxet mens offer of a peaceable Arbytration to Providenc men Jan 64

Providenc 27 Jan 1664

We ye men of Patuxcet namely William ffield William Carpenter Richard Waterman Zachary Roades & william Harris desirous of peace with our neighbours of providenc Therfore this day In ye open Towne meeting declare & subscribe to end a certayne defference ffallen in aboughte lands by Arbytratione & are ready to speake further & subscrib alsoe to any

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* This testimony places the birth of Benjamin Smith in 1632 and of Joseph Carpenter in 1638, dates not previously known to students of Rhode Island genealogy.

† Probably the present Spectacle pond.

thing y^t may further the same y^t y^e sayd defference aboughte y^e land of patuxcet & providence may Remayne noe longer & such of you our neighbours as are willing to end y^e foresayd defferenc by Arbytratione, shew your such mind by subscribing with us as aforesayde* wittnes our hands William Harris William ffield William Carpenter Zachary Roades

Richard $\overset{\text{mark}}{\underset{\text{his}}{\times}}$ waterman

[Cushman Papers.]

21

Harris to Providence Town Meeting [25 December, 1666†].

To The Towne Mette,
This.

In Answer, to a paper, put in; for fenceing in, the necke: firste, y^e sayd paper; preseth, This Convenyence,

A Great quanttety, of land, for a litle fence.

We Answer. If it be a Greate quanttety of land, Then, A

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*A second petition, under the same date, was handed in, requesting a survey of the dividing line between Providence and Pawtuxet (*Prov. Rec.*, xv: 105). Apparently no attention was paid to either petition (*Idem*, iii: 59).

†This document is not dated, but apparently was handed in to the town meeting of 25 December, 1666. The question of fencing in the Neck first appears in the town meeting records on 18 February, 1662, when it was "ordered the Neck shall be fenced in this year." (*Prov. Rec.*, iii: 13.) Five years later, 2 December, 1666, "it is ordered that 4 of our neighbours shall . . . goe unto those of the Inhabitantes who are oppossitt to the fencing in of the neck to know theire mindes, and reasons." (*Prov. Rec.*, iii: 89.) The question is again referred to 11 December, 1673, "which metting being Caled for sum Consideration of bulding of a bridg and fencing in the Neck but Not any thing Agred on." (*Prov. Rec.*, iii: 249.) Harris's opposition on this question doubtless helped in stirring up the

Great, quanttety of Comoning (In sommer time) you will miss.

2ly of y^t^ which is neer allsoe.

3ly where, your Cattell, will walke: In y^e^ more safty.

4ly The better: without keeping.

5ly The Indeans, will not dare (soe soone) being Neer To doe, them damage, leaste they should be heard, or seene, As these Convenyences, for catell, will be loste, soe, These, In Convenyences, of Cattell will come,

A 2d sorte Some Cattell, either young or lame, or the like will be put in, Throughe straights: (of Temptatione) not knowing what to doe with them, As some, have bene put, into the fielde: &, being in, Thoughe doe; damag, will not easily be found (sometimes) to be put oute.

2ly when Piggs gett in, as y^t^ they will, for oughte (I know) There they may, Remayne still, (Tell they be fatt, & y^e^ field leane, & soe, y^e^ harveste mane, may learne, to Gleane (what y^e^ Piggs have lefte)

Nor will, any future care, keep them oute: (of such a length, of fenc) noe more, nay nor soe much, as paste deligence, hath done: oute of y^e^ field: & yet they gett in: & when they are gott in, to such a larg scope, I hope, you will minde, you you may goe looke, as Scoggine did for y^e^ haare* (before you finde them) who creepe soe low, & y^e^ bushes soe highe,

As these Inconvenyences, will be, to y^e^ Inhabytance & more (y^t^, yet apeare not) (with respecte to Cattell.) soe,

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passions which find expression in the next document. Among the undated Providence Town Papers, there are several documents relating to the subject of fencing in the Neck, among them a favorable report from the committee, and a conciliatory appeal from Roger Williams. (See *Prov. Rec., 5th Report*, p. 32; *R. I. Hist. Soc. Pub.*, viii: 159.)

* Scogan's Jest Book, one of the most popular chap-books of the sixteenth and seventeenth centuries, is reprinted in W. C. Hazlitt's *Old English Jest Books*—London, 1866. One of the tales in the book is "How Scogan told the hunter he had found a hare," p. 82.

there are, other Inconvenyences, of a seconde sorte, which Concerns, perticuler persons, This fenceing, In, of some, doeth soe fence out, others, as y^{t}, I heard one say, y^{t} he knew not how (comfortablely) to subsiste, in his presente dwelling, (when, this neck, shall be fenced in)

Off others, I have heard this, y^{t} y^{e} dwelling, of others upone there Intended howse shares ; would be, alltogether, Inconvenyente

Now, y^{t} men should urge, Theire unnesessitated, Convenyence; Notwithstanding some mens, such Nesessitated Convenience, I cannot see it, an equall spiritte, but, when this, shall come, to be debated: I suppose, such will speake, for themselves, more fully

A 3^{d} sorte of Inconvenyences with respecte to y^{e} fenceing. firste, Thoughe, It be but a litle fencing, to soe much land, yet, It is a greate deale of fencing, with respecte to presente ocations, & y^{e} need men have of Corne: which, this fenceing will hinder, for this Consider, y^{t} such as lacked land, for corne, had a late, supply: & is not yet Improved, therefore, It cannot be present wante, of land, but of sattisfactione: which land cannot give; y^{e} ey is not sattisfide with seeing

2ly This long fence, will take up much Timber: & will waste much woode: which y^{e} Inhabitance, will Improve (If They had it) In time to come

A 4th sorte of InConvenyences Respecting woode, firste, some mens, wood, will fall far of: when, y^{e} land is fenced: & devided

2ly It may be of such as have noe drafte: & then, what a trouble y^{t} will be, Judg, Now: leaste, in time to come, It become some of your owne Cases That are soe forward now: not to Judg of others Inconvenyences, for, with what Judgment, ye Judg, ye shalbe Judged. &c

Object, we will devide it, by lotte, & then, Everyman: willbe contente.

Answer, Consider, for, y^{e} Olde Planters, will, you say by lotte; what meane you? y^{t} all y^{e} Olde plantters, should devide

by lotte, with ye new? If, you Intend soe, they will objecte; Not only, ye olde proverbe (firste come first served; but yt olde Law; or former unyvertiall foundamenttalle, Combynatione: & agreement, yt, every man should have his Righte In turne. Reade ye Combynatione; Now, as noe new notione (Can Lawfully) Take away ye olde plantters, proper Intereste, neither can it ye Apurtenances thereof,

Neighboures, (In generall) here you may with us Take notetice of ye foresayd 13 Inconvenyences & deliberatly Consider: & may be, you may see more Inconvenyences, in it then we; laying aside some perticuler Intereste, Concerneing self, which makes, us often mistakene; In our owne Cases Every way of man, is Right, (in his owne eyes) 21 prov *

If Any man shall say, It will be, noe damage to me. I Answer (Derectly) It will not, but, for such, sakes, as it may be, Therefore I speake. Opene thy mouth, for the dumbe, In ye, cause of all such &c 31 prov & open thy mouth, Judg Righteously: & plead ye cause &c v 9 †

Theyres & youres; (for Every Right end

Williame Harris

[From MS. Providence Town Papers, vol. v: No. 01122.]

22

Providence Men to Newport, Portsmouth and Warwick, 10 June, 1667.

The ffirebrand ‡ discovered

In a brief narrative or remonstrance to the three townes in

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* Proverbs, xxi: 2.

† Proverbs, xxxi: 8–9.

‡ This was a favorite term of Williams, as applied to Harris. In his *George Fox digg'd out of his Burrowes* — Boston, 1676, p. 205, he speaks of "W. Harris (a Fire-brand of Town, and Colony & Country)."

this Collony of Road Iland & Providence plantations, Vid, Newport Portsmouth & Warwick declaring both his name nature qualities & Conditions as apeareth by some of his former & later actions in this town & Collony —

1 ffirst his nature, he is like the Salamander always delighting to live in y^e^ fire of contention as witnesseth his Severall Suits in Law for these many yeares together to the great disquiett & Cost to this Colony & burden to this poor towne as appeareth by callinge out for rates although he most endevoureth to cover w^th^ cryinge out aloud a rate for John Clarke * but his covering is not large enough to hide y^e^ matter frō us for there are other wayes of disposall then to m^r^ John Clarke : ffor there is none amongst us hath refused to pay y^e^ rate for o^r^ honoured ffriende m^r^ John Clarke as may in time further appeare when audited he yet further declares his conditions & nature for he laitly said he had laid Some of o^r^ neighbours lands & went to one of ther & challenged him to worke upon his land Saying I have laid out yo^r^ land gon therfore & work & I will arrest yo^u^ upon an actione of trespass or else sayd he I have appointed others to work & soe yo^u^ arrest me & I will answer yo^u^ but neither of th would o^r^ neighbour doe to satiate this mans humour : then doth this man indict at the late Court, but the men y^t^ were to judge were soe wise as to stopp his burning by an Ignoramus.

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* At the October Session in 1664, the General Assembly had levied a tax of £600 to reimburse John Clarke for his expenses in obtaining the Charter (*R. I. Col. Rec.*, ii : 77). Warwick protested against this rate, 12 December, 1664 (*Idem*, p. 78), which drew forth from Roger Williams a long and powerful letter, 1 January, 1666, in favor of the rate (*R. I. H. S. Pub.*, viii : 147). Warwick replied to Williams, 20 February, 1666, and to the General Assembly, April, 1666 (*MS. Copies of Warwick Records*, pp. 13, 14; *R. I. Col. Rec.*, ii : 142). The Assembly appointed a Committee in September, 1666, to see to the collecting of the rate, and it was Harris's activity in serving upon this Committee that earned for him the enmity of Warwick. The rate was still ungathered as late as May, 1671 (*R. I. Col. Rec.*, ii : 288, 359, 380).

2 his nature qualities & Conditions doth further appeare he is a Quarilsome man as in the case of Adam Goodwin in by past yeares for this man beinge then an officer in this towne fell on the sayd Adam & beate him in the open street for w^ch^ this towne resolved & put him out of their civell society untill he gave thē satisfactione: but to this day he hath not done it although often called on about it.*

3 he is like y^e^ raging sea castinge forth mire & dirt: & from men of high degree throughout the Collonies to men of lowe he scarse spareth one as may easily appeare: but he casth on them foole knave, rascall, base fellowe, scounderill or the like: & Soe full of his threats amongst us as if he were a schoolmaister over his boyes or an overseer over negers y^t^ truly it is a Shame for Civell men to repeate the filthines that commonly ꝑceedeth out of this mans mouth.

4. this late unparelleld actions maketh this ffirebrand appeare by taking goinge w^th^ all & every officer in this towne excepting towne Clarke to take away by distrainte nine shillings 3 pence frō a poore man in this towne, by his throwinge the poore mans wife over a fence of 4 rayles twice which made her cry out take o^r^ goods but abuse not my husband: by bindinge by his comandem^t^ the hands of the said poore man behinde him w^th^ a & hurrying him

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* There is another reference to this episode in a Remonstrance, written by Williams on behalf of the town of Providence, addressed to the Governor and Council, 31 August, 1668 (*Prov. Rec.*, xv: 121–124): "Harris, he now forceth us to remembr y^t^ it is about 24 years since he was disfranchised & cast out from y^e^ Assembly of his neighbo^rs^ in Town Meeting for assaulting a neighbo^r^ & blood shedding in y^e^ Kings high way in y^t^ streete, & for a furious maintaining of such a practice." Another reference is in Williams's *George Fox digg'd out of his Burrowes*—Boston, 1676, p. 206: "He hath been notorious for quarrelling, and challenging, and fighting, even when he pretended with the Quakers against Carnal Weapons; so that there stands upon Record in the Town-book of Providence an Act of Disfranchisement upon him for fighting and shedding Blood in the street, and for maintaining and allowing it (for ought I know) to this day."

downe alonge o[r] streete almost a mile in that sort as if the man had been a murderer, but the foulenes of this matter will be more made manifest in its place, wee questione not: & the ꝑtest against this man by o[r] towne deputies that he should not be ingaged nor his ꝑtaker till the matter was (cleared) vindicated.

His actions amongst us the 3[rd] of this instant June beinge the day of this townes electinge of towne officers maketh this ffirebrand further appeare: who w[th] his ꝑtener W[m] Carpenter deprived a great number of free men libertie to vote for officers 20 some of them had been townesmen 26 yeares all of the above 18 yeares of age & landed men & had given there ingagem[ts] of fidelity to his majestie according as is ꝑvided in the Coloney: The objection why they shoulde not vote was, they had not given there ingagem[ts] before the towne, then one steps forth & desireth to give his ingagem[ts] there that also they refused. Another objection there names were not returned to the Clarke, that the assistant tendered by a list of there names to be recorded that had given there ingagem[ts] y[t] was also refused.* Soe that this man w[th] his ꝑtner would neither accept them y[t] were ingaged nor let him ingage (that offered him selfe) before them): w[t] they woulde have we nowe begin to see. The people beholding their liberties & p[r]viledges (by these men) endevoured to be violated & destroyed: beinge about two partes of thē risolveed not to indure it. But moved m[r] ffenner assistant to Stand with them to helpe to maintaine there p[r]viledge & to worke they went to the business of the day & choose there moderator in the same roome the towne Clarke & Constable & when they were ingaged demanded the towne bookes to be delivered to the towne Clerke chosen by the major part of the ffreemen of the towne: This man w[th] his associates having gott y[e] table denied the

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* "The Names of those who have Engaged Alegance to his Majestye . . . Recorded the 31 of May 1666[7]," are in *Prov. Rec.*, iii: 101–102.

Books, the Sayd Arthur ffenner moderator in the name of the towne demanded them three distinct times & one of thē dared the Company to touche the Books: but we dared to doe it onely we did knowe it would but add fewell to the firebrand w^ch^ woulde doe no good neither to Collonie nor towne. Remembring y^t^ o^r^ is watcht for round about us; & chose at p^r^sent another way, ꝑcured pay recorded o^r^ act & officers compleating y^e^ busines of the day (as in respect to the election) & Chose 4 men to draw this remonstrance to the three townes that if it be possible this ffirebrand may be quenched. Moreover this man whilest we were peaceably acting (his associates having left the roome) came againe & Comanded the Said Moderator of the towne about ten times (in his majesties name to depart that howse from the routt soe that w^th^ us the Case lieth thus, that when we meete together in peace to agree about o^r^ occasions not warned by this man or his partner we are called by him a rout: & when warnedby them & doe not as this man woulde have us we are then also tearmed a rout, what other fiery worke this man will yet make we watch to See that we may quench it if it be possable*

6 But by this time we Suppose yo^u^ will be ready to questione as Ahashuerus did to the Queen Esther who is he that durstt p^r^sume in his heart to doe Soe. wee answer w^th^

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*The records of the two rival town meetings on June 3, 1667, are in *Prov. Rec.*, iii: 102–106. Harris having been elected moderator, refused to allow a good proportion of the townsmen to vote, whereupon his opponents withdrew and held their meeting with Fenner as moderator. Roger Williams was one of those chosen by the Harris party to make up the Town Council. At the Fenner meeting it was "Voted and ordered that ffowe men be Chosen to Draw up a Remonstrance to present to the other thre Townes of this Colony . . . and with all Conveniant speed to send it: to declare the Illeagall and unjust proceedings of severall persons at this meetting endeavering thear by to prevent the Leagall choyse of the officers for this towne: and also ffarder to declare as in thaye wisdome they shall see Cause.

The ffowre men Chosen by this Towne to draw up the abovesayd Remon-

Esther, the adversary, the enemie,* the ffirebrand: is this wicked Harris: comonly called Mr William Harris this is his name.

Stay neighbours, be not moved, remēber that sayinge ye wringinge of the nose bringeth forthe blood Soe the forcing of wrathe bringeth forth strife,† we have borne wth these his manners these many yeares but we cannot be Silent any longer he compelleth us thus to trouble youu, if it were yor case as it ors what lesse woulde or coulde youu doe then tell yor neighbours & ffriends how it fareth wth youu, if the like exercise fall to yor share (wch we desire not) we shall at least be willinge to give youu audience halfe an hower this thinge wee onely desire of youu is to beware that none of youu Strengthen the hand of wickednes —

The Common peace of youu all we desire even when all the worlde (rounde about us) is in tumults: & wee shall endevour after peace to keepe it if it be possible: ffor the Towne of Warwicke in the Name and by the appointment of the towne of Providence

Providence ye 10th June: 1667: Arthur ffenner
John Throckmorton
the marke of × Thomas Hopkins
Shadrach Manton

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strance are vizlt Mr Arthur ffenner, Mr John Throckmorton seinior Thomes Hoppkins seinior Shadrach Manton."

Harris called another meeting on June 24, for the election of deputies to the Assembly, whereupon his opponents held a meeting to elect their deputies on June 26. This brought the matter before the General Assembly, which met at Newport on July 2. The matter was warmly debated (see *R. I. Col. Rec.*, ii: 199–204), and the Harris party were outvoted on every question. On motion of Warwick, it was voted further that as this Assembly had been called at the instigation of Harris, he should be fined £5o towards the expenses of the meeting. Harris was also ordered to be discharged from his office of Assistant. At the election of May, 1668, undoubtedly through his influence with the Quakers, he was reinstated and Fenner was dropped.

*Esther, vii: 5–6.

†Proverbs, xxx: 33.

For Mr John Greene of Warwicke assistant to be communicated to the townes men of Warwicke these prsent at his howse at Passuatuxett ℔ a ffriende

[From MS. Copies of Warwick Records, p. 15, in R. I. Hist. Soc. Liby.]

23

Harris to Nichols [July, 1667].

Endorsed :—Mr Harris to Coll Nicolls [in another hand]

Right Honnourable, Gouernor in Chiefe &c., May it please your Honnoure to bear with my bouldnes this second time being still very much opresed & yet more then when your Honnour Required The Gouernor & Asistance of his Maiestys Colony of Rhode Island & prouidence plantations to put a speedy Isue acording to law as to a certaine execution granted on my behalf against John Harrud for though ye Gouernor & Asistant with ye rest of ye Generall Asembly did enact yt ye sd execution should be speedely executed yet soe it is yt ye ssearjeant hath to this time neclected * it not withstanding I have ever since petitioned ye Courts yet I haue noe relief to this time & ye first tuesday of this Instant July Complayned to ye Generall Aturny of this Colony yt he would prosecute in be half of ye Kings Maiesty ye neclects of ye sd ssearjeant yet

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* The General Assembly, July 2, 1667, voted: "Whereas, James Rogers, Generall Serjant, hath been charged by William Harris, assistant, for neglect of his office in not serveing an execution at Mashantatutt, the Assembly haveing duly scanned the matter, doe finde him not guilty of the charge. 1st. Because it was stopt by the said William Harris's consent. Secondly, because the sayd Harris did put a petition in May last to the Assembly concerning the sayd execution, which was referred to the next Assembly followinge." (*R. I. Col. Rec.*, ii: 205.) There is an interesting account of what happened when Rogers again tried to serve the execution against Harrud, three years later, in No. 28.

neuer y^e^ les y^e^ sd ssearjeant soe roughte his owne ends by y^e^ men of warwick our aduersaryes in law & y^e^ sd ssearjeants kindred being of y^e^ late sd Asembly did declare y^e^ sd ssearjeant (not guilty) of y^e^ neclect of his offece though y^e^ sd execution be not serued moreouer y^e^ Asembly this instant July hath enacted contrary to y^t^ Assembly act March 1666* commanding y^e^ sd execution to be executed & our Adersaryes being of y^e^ sd last Asembly haue procured y^e^ sd Asembly to enact y^t^ y^e^ act in 1666 for y^e^ speedy execution acording to your Honnours command was a Ceruptitious act &c, & soe I become wonderfully opressed & haue no releif hear as yet Allsoe y^e^ men of warwick, Thomas Relfe, William Burton, & Roger Burlingham, haue been Indicted of forcable detaynor of my land & for houlding by force what they haue biult ther on & though y^e^ bills of Indictment haue been found true bills & y^e^ sd persons mandamuses to apear yet apear not but continew theyr force & ther remayne & I can get no protection against them to my moste extreame oprestion & y^e^ great dishon[ ] of Justice; Let not your Honnour be Angry at my many complaynt[ ] once more I am forced to trouble you with this & humbly pray your p[ ]ence, for y^t^ on y^e^ third of June last y^e^ free Inhabytanc of Prouidence wear mett to Choose Towne offecers but certaine persons who had not [en] y^e^ Ingagement of Aleagians to his Majesty (lawfully) they would haue in theyr Voats to choose offecers which y^e^ law of y^e^ Colony forbids the[ ] we denyed them whom one M^r^ Arthure ffener Incoraged y^e^ sd M^r^ ffener [ ]ing An asistant but M^r^ William Carpenter & my self in obedyenc to y^e^ law [ ]fused them, wherfore y^e^ sayd M^r^ ffener & others with drew themselues from [ ] y^e^ lawfull Asembly of which themselues wear vntill they withdrew out of y^e^ howse a while & then came in againe & began an other meeting & disorderly acted therein & ther out thoes offecors &c & vsed much unpeaceable behauiour & obstructed y^e^ law & y^e^ preseruation of his Maiestyes peace of which dis-

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* See *R. I. Col. Rec.*, ii: 143–144.

orders Mr Carpenter & myself made complaint to ye Gouernor & asistants after ye foresd Mr ffener & ye rest had sent forth a remonstrance;* The Gouernor &c haueing seen theyr remonstrance to the three Townes; & [o]ur complainte to himself called an asembly (after which) I presented a complainte to ye Generall aturny yt in ye Kings behalf he might cause ye sd Mr ffener to answer for his unlawfull asembleing ye sd route; The sd aturny caused sumons to be sent to ye sd Mr ffener to answer &c & ye sd Mr ffener pleaded (not guilty) & by ye help of six warwick men, a kinsman (soe called) of Mr ffeners, & some kinsmen of ye ssearjeants, soe by major voat of ye Asembly, ye sd Mr ffener was found (not guilty) (without any proof) but ye testamony of some of ye sd route, (Against ye testamony of two Asistants,† for & in behalf of his Majesty: in obedyent to ye law; And he being soe found, (not guilty) my adersaryes in ye law ye men of warwick, & ye kinsmen of ye sd ssearjant, & Mr ffener, & his partty, without any originall writ exhibited against me, (not soe much as demanded whether guilty or not guilty, nor of what, Alowed noe exceptions nor Challenges (against my Aduersarys & partys in ye sd route, & by them in ye major voat of ye Asembly, my aduersarys I say & parttys in ye sd route, I was condemned, (though I only complained to ye sd Generall aturny & in ye kings behalf wittnesed, with Mr Carpenter, yet fined by ye sd Asembly fifty pound, & ye ssearjeant yt is not by ye sd asembly required to serue ye execution on John Harrud in my behalf, but found not guilty of neclect therin (thoughe he did not obey ye act of ye asembly 1666 &c. yet he is commanded by ye last asembly to leuy fifty pound on my goods or catell within three months, & wher as his fee of others is but two shillings vpone ye pound, he is commanded to take 4s vpone ye pound of me, therfore, & for these further Reasons; first, ye (noe Cause) of ye sd fine,

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* See the preceeding document, *The Firebrand Discovered*, for a note on these rival town meetings.

† Harris and Carpenter.

2 ly (If cause) yet not, (of an unreasonable fine, for, (If a route) ye fine is but 5li, & 14 dayes Imprisonment (for leser routes &c & for greater 10li fine, & a monthes Imprisonment: 3 ly The Asembly was called before I mad any complaint (to ye Generall aturny, Therfore, (not yt complaint ye cause of ye asembleing; And in his Maiestyes gratious Chartor giuen us, aloweth only reasonable fines & mullts; Therfore, I humblely pray your Honnours Prohibition of ye execution of ye sd unreasonable fine; for noe Just cause; And pray, yt before I am condemned I may haue a fayr tryall of 12 lawfull men & be alowed my lawfull challenges, & yt not ye major voat of ye 12, but all ye 12 may agree, or els noe lawfull verdict; And pray your Honnour for Relief in ye rest of my fore sd wrongs; for thoughe my aduersaryes condem me vnjustly, yet seuerall of ye wiser, & honnester sorte of men doe Judg I am wronged (viz) ye Deputy Gouernor,* Mr John Easton Asistant & generall aturny Mr William Carpenter Asistant, Mr Benjamine ssmith asistant, & Mr John Clark one of ye asembly with ye foresd, of which I haue proof,† And I doe not comeplayne against ye reasonable but, vnreasonable, & pray Relief against them; & lastly I humblely pray your Honnour, to apoynt some wise Impartiall men, of ye neighbouring Colonys yt may end all defferences betweene ye men of Prouidence & ye men of Patuxcet, & between ye men of warwick & ye men of Patuxcet; for ye sd defferences are greeusious to many & to me, whoe pray God, & your Honners help ther in, & your petitioner shall allwayes prayes God, & be thankfull to your Honnour,

William Harris

To Coll Nicolls ‡ [in same hand as heading]

[Transcript from the original in the British Public Record

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* Nicholas Easton.

† Carpenter and Smith presented formal protests, dated 9 July, 1667, which are in *R. I. Col. Rec.*, ii: 213.

‡ Nichols answered Harris's appeal by a remonstrance addressed to Gov. Brenton, whereupon the Assembly revoked the fine (*R. I. Col. Rec.*, iii: 233, 237).

Office, London, Colonial Papers, xxi: No. 86. See Sainsbury, *Calendar of State Papers, America and West Indies, 1661–68*, no. 1534.]

24

Calverly to Gov. Arnold, 20 July, 1669.

Endorsed by Harris:—A copie of a letter from Calverley* to y^e^ Counsell July 1669 as to meshuntatack
proveing he & they hold by force y^e^ s^d^ land, therfore trespasers Claymeing y^e^ title under publique test to be used to y^e^ s^d^ end y^e^ 17 of Nōv 1677

Hono^rd^ S^r^.

Heareing that there is a generall Councill called, I thought good to write unto you touching the matters between William Harris &c and those of Mashantetate &c hee hath of late obtained to have a Law made,† that by Execution John Harrude &c shall bee dispossessed of the house he now dwells in, and William Harris to have the possession delivered to him, Except Edmund Calverly. and William Harris doe give it un-

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* Edmund Calverly, of Warwick, had served as town clerk, and as deputy to the Assembly. He was one of the leading purchasers of Mashantatack.

† The General Assembly, 14 May, 1669, (*R. I. Col. Rec.*, ii: 253) had voted that "M^r^ William Harris having made friendly tenders of composing the difference betweene him and Edmund Calverlye, John Harrod and others concerning . . . Misshantatacke, and the Court being wearied with the incessant clamours and complaint concerning the differance . . . if the said [Harris and Calverlye] doe not joyntly, and under their hands in writing, declare unto Joseph Torry, gennerall Recorder, that the said difference is issued and ended by their mutuall agreement before the last day of September next, that then the said generall Recorder shall, upon his great perrill, give forth a writt of execution . . . against John Harrod or any others with him, keeping possession of the lands premised."

der their hands to the Generall Recorder that they are agreed by the Latter End of September next; I have indeavoured by answearing his writeing, in as peaceable manner as I could, to have had some discourse about the matter of difference betwix us To see if we could come to some peaceable Issue if it might bee to stop manslaughter, if no bloodshed & Murder, on the one side or the other, which may bee Comitted in case hee driveth on the way he is goeing, but he answeareth mee that hee will not meet at the time nor place, which was at Mr. William Carpenters house at Patuxet on Thursday the 8th instant in the forenoone, neither then nor there, nor at any other time and place, but if I will answear to his proposalls in writeing speedily I may, otherwise hee will not treat nor talke with mee, now soe it is that I doe not Judge it any way safe for mee to answear him in his proposalls, That is to say wee must picke & pole the Country to finde out men that may Judge whether the Court or Courts of this Colony have done right or wrong (It will bee made appear that he hath boasted saying Mashantetate is the Portch, and Warwick is the house, that he doubts not but Yer Long, hee shall Enter the Porch, and then hee shall Easily gett into the house, which Porch if hee doe assay to Enter, I am afraid as aforesaid of some sad Events, therfore I doe desire you will forewarne him from comeing there in Order to dispossess any of the Inhabitants In that Plantation either English or Indians; can any rationall man thinke that the Kings Matie will approve or take it well that William Harris &c shall bee allowed to swallow up whole Townes & Plantations, The Kings Province and all, and noe man stand up to plead for the Kings Peace & intrest in his Province I doe deny his ꝑtended title &c of up streame without Limits, or as farr as he pleaseth in the Kings Province, And alsoe doe deny to goe to any arbitration with him in that matter, haveing allready brought my apeale before the Kings Matie and aproved on by a Law of the Colony, and a decree pro tempore, sent unto mee by the procurement of William Harris, from & under three of his Maties Honorble Comissioners hands; and doubt not but to prove, if I bee forced thereupon, that their

Comission to act heer in this matter, was, & will prove as good as the Comission by wch or Honord Governor & Councill, doe act by, in any part of the Kings Province; Thinke you that the Kings Matie hath delivered us up to bee William Harris' his slaves & vassalls, I hope not, And doe alsoe hope if I bee forced to seeke releife against his vile & wicked practices (that I shall finde some) and make the records of this Colony, prove him such a one, as his Neighbors report him to bee, and shame those that are his abettors, is it not high time to cry, help my Lord oh King or Wee are all undone;

Honord Gentlemen before I bee forced to Lay open the sad Condition that the proprietors of Mashantetate, are in thinke of what the Event will bee at the Winding up of the matter, We have by arbitration tryed and done what wee can, to our great charge, trouble and damage, and it will not doe any thing, Except wee bring the Indians into bonds wth us which wee cannot, nor dare not doe, for they depend upon the Kings Matie for protection agt William Harris, and all such as he is, They tould the arbitrators that hee had cheated them, for they confirmed noe more then Myantenomy or Chepasotem* granted to Mr Williams Therfore I desire Wee may have as much Injoyment of the Kings Comissioners orders, as any other plantation on the Maine hath; And if ther orders & acts are good for others, to hold their Land by &c why not for us, But laying all heat aside, If as William Harris Promiseth in his writeing, that hee will follow mee to England, Then to Arbitration or Law Wee will goe, When we come there, as the King or Councell shall direct against whome I hope hee will finde noe Objection, and Let the Colony bee in peace the meane time for I wish the peace thereof; soe with my humble service to you, hoping to have some return from You, I rest Yors in behalfe of all that are concerned wth mee in the purchase of Mashantetate &c

Warwick ye 20th of July 1669

Edmund Calverley Atorney & a Proprietor alsoe;

*[Canonicus?]

To the Honord Benedickt Arnold Esqur Governor of the Colony of Road Island & Providence Plantations att his house In Newport on Road Iland to be comunicated to the Councell of the Colony aforesaid with care & trust

These deliver.

A true Copie compared wth the Originall remaining among the Councills papers as is attested this 27th of July 1669

℔ Richard Baily Secretary

[From Moses Brown Papers, vol. 18, No. 227.]

25

TOWN OF WARWICK TO PROVIDENCE, 13 SEPTEMBER, 1669.

Addressed:—Thes to be delivered to Mr Henry Browne towne Clarke* of Providence to be Comunicated to ye towne at the towne meeting

Gentlemen, your remonstrance bearing date the 30th of June 1669 was read in our Towne meetinge ye 6th of September instant and havinge heard the uncivill Cariages of William Harris &c therin inceited wee could not so easily have given credit therto but that the former Generall asembly of this Collony havinge found the truth of Such matters have declared agst him so as not to bee fit to beare office for the future by reason of such like practises as your remonstrance, doth declare, wee cannot but bee deeply Sensible (as members together with you of one boddy) of or sufferings together with you herin

* According to the original record book Shadrach Manton had been elected Town Clerk on June 7, 1669, and was mentioned on July 27 as still holding the office. The rivalry concerning town officers evidently had not ceased. On April 2, 1670, the town met upon advice of the General Assembly and elected new officers, John Whipple being chosen Town Clerk. (*Prov. Rec.* iii: 147–149.)

and the rather because it is a Sleightinge of his majesties propositions Sent to us by his Honorable Comission for a person So barbarously qualified to bee imposed on us, Wee much marvaile how hee escaped beinge indicted for a common barrator since Such practises renders him liable but there is no person so vile in any government but shall find some abettors although they dare not cary on their designes so boldly and openly as amongest us Wee are not altogether without hope that the boddy may bee yett purged of such peccant humours and may againe vomit out their former resumed vomit either of their owne acord or else by the prudent care of some Skilfull Phisistians and therfore are willinge to waite with you for the Season and in the meane time desire as neighbours and friends to condole with you untill a reformation doe apeare in order wherunto we have writt to the Governour & Counsell, So with our respects to you all we take leave.

Signed by order & apointment of the
Towne of Warwicke—

E C Towne Clarke*

Warwicke this 13th of Sep 1669

[From Copies of Warwick Records, p. 22, in R. I. Hist. Soc. Liby.]

26

WHIPPLE AND OLNEY, TESTIMONY, 16 OCTOBER, 1669.

Endorsed by Harris:—Dextors & wickendens act to take away ye purchasors lands as a law acording to Dexters equall conclutions as he calls them 16 octo 1669 ye witneses John whiple & Epenetus Olney under ye test of Thomas Olney

Joh Whiple of providence Junr Aged 29 yeares or thereabouts being ingaged Testefieth

* Edmund Calverly.

That upon the 21 day of Januarey in the yeare 1667 : 68 (he haveing heard befor) that there was to be a meeting at the howse of William Wickenden ; unto the which howse this deponant saith he went : where he found severall of the inhabitants of providence, (viz) Will : wickenden Gre : Dexter, Arth : ffenner, Tho : Hopkins sen^r, Resolved Waterman John field jun^r Henry Browne Edward Smith, & divers others to the number of 20 in all or there about ; where Gre : Dexter tooke out a Roule of papers out of his pockett declareing unto the people that they were there mett together & therefor the first thing that they would doe should be to Read theire agreements, Gre : Dexter then sett to reading of one of the papers where he Read as an order made by them ; That all those who would not subscribe to their agrements ; but oppose ; all theire landes which formerly had been layd out to any of them, without the River & fieldes of pautuckett, Bewets Brow, observation Rock, Absolute Swampe, Oxeford, Neotakonkonitt Hill & Hippesses Rock ;* should be liable to the desposall of the Major part of the purchassers, from time to time but those

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* In his "Sovereign Plaster" (see following note) Dexter mentions the bounds "limited in our Towne Evidence and by us stated about 20 years since and Knowe to be the River. and fields of patuckit suger loafe hill Bewits Brow observation Rock absolute Swampe oxford & hipses Rock & the men that were apointed to set it were Chad Browne Hugh bu~ Gre Dexter will wickenden." (*Prov. Rec.*, ii : 73) Of these early boundaries, Sugar-loaf Hill and Oxford cannot be identified with modern localities. From deeds and other early records, it is possible to locate the remaining boundaries with a probable degree of correctness. Observation Rock occupied the site of the present Stump Hill Reservoir. Absolute Swamp lay just to the east of the present Louisquisset Turnpike, extending as far north as the Breakneck Road. Hipses Rock was undoubtedly the high rock still standing in the three-cornered tract formed by the Plainfield Road, the Morgans Mills Road and the Pocasset River. Bewits Brow was on the west side of the Moshassuck river, and according to Welcome A. Greene — an authority on early localities to the north of Providence — stood somewhat southwest of the present junction of Charles and Hawes streets.

which doe not subscribe, nore opose their Lands should still remaine;

October the 16th 1669: Taken before me Thomas Olney
Juor Assistant

Epenetus Olney being Engaged testefieth, that what is above written is trueth he being at the same Time with John whiple

Taken before me Thomas Olney junr Assistant
October the 16th 1669

[Harris Papers, p. 90.]

27

HARRIS TO PROVIDENCE TOWN MEETING, 15 DECEMBER, 1669.

Endorsed by Harris:—A copy of Ans to Dextors plaster 15 Deſ 1669

To ye Towne, meeting in providenc this 15th of Deſem 1669

Wher as a paper was presented to be put upon record in ye Towne book called by gregory dexter an instrument & a soveren plaster &c,* with other title &c and ye sd paper unlawfully forced into ye Towne book it being allsoe unlawfull in ye contence ther of and intended end by ye foresd Dextor & Thomas Clement & ye rest of yt partty; bearing date &c, ye

*"Salus Popŭli . . . The Health of the People . . . An Instrument, or soveraign Plaister, to heale the many fold present soares in this Towne" was written by Dexter and recorded by him, being then town clerk, without authority, under date of 27 April, 1653. (*Prov. Rec.*, ii: 72–75. See Dorr, *Providence Proprietors*, in *R. I. Hist. Soc. Coll.*, ix: 66 ff.) It was afterwards presented by Thomas Clemence to the rival town meeting of the Fenner party on 3 June, 1667, and was by this meeting ordered to be recorded in the records of the town—where it had been for fourteen years. (*Prov. Rec.*, iii: 105.)

s^d paper, being indeed an evell instrument & poysonous plastter tending not to y^e weal but wo of y^e Towne & agaynst y^e peace of y^e people & place, haveing therin much open perfideous profestion in it, y^t is to say, notoryously disclayming performance of y^e Townes ssollem agreements with theyr neighbours profesing therby openly y^t they will not keep theyr promeses. allsoe y^e s^d unlawful as to common law which bindeth men to keep theyr promeses, violating all law therto pertayneing for y^e s^d lands apoynted to any person by y^e town & by record therof granted is theyr undoubted Right & noe mans right or preveledg can any man or men take away, but by y^e Judgment of theyr peers in open sesions acording to due form of law but y^e poyson of y^e s^d plaster is such y^t it would destroy not only y^e common law & common Right but allsoe y^e law of our lord y^e king which by his Charttor to this Collony none may opugne, which s^d law of England sayth That noe Corporation may make any law in dimenution or dishertion of y^e rights or prerogatives of any of y^e kings Liege subjects & people but y^e s^d poysonous plaster by one y^t is noe Liege subject in & by a notoryous Route pretends by y^e authourity therof y^e deminution & dishertion of our Rights in lands lawes, y^e Common law, statut law of England, & our Rights in Magna charta soe soundly confirmed by 32 parliaments to all y^e Kings Lieges people denying hereby & herby his Charttor of England, & y^e foundamentall lawes of this his Collony, in all which considerations, and y^t y^e trespasors against Magna charta shall by y^e law of England be inquired into &c, I not only take my self bound to protest agaynst y^e s^d poysonous plaster but also to complayne of Gregory Dexter for his notoryous crime against y^e kings law & peace; And against y^e s^d plastor &c by Dextor & Clement against y^e s^d plaster &c by by Dextor & Clement I protest and desire this my protest may be recorded I protest *

William Harris

[Cushman Papers.]

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* The town met this same day and voted that: "having veued a Coppie of the said Record and Considdering the same the Mater Contained

28

T. Harris, Testimony, 1 May, 1670.

Endorsed by Harris:—Toleration Harris witnes y^t^ John harrud wicks &c Resisted Execution at meshuntatack 21 aprill 1670

Tolloration Harris aged 25 yeares or there abouts being Engaged testefieth

That upon the 21 day of Aprill in this presant yeare 1670: hee goeing along with James Rogers Gennerall Serjant unto Mashantatat where John Harrud dwelleth, the sayd serjant goeing thither to serve an Execution* agaynst John Harrud, but when thither the came, and about tenn rodd of from the howse where John Harrud dwelleth, the sayd John Harrud called to them & bid them to stand, he the sayd John Harrud standing by the sayd howse, & presented a gunn at them Comanding them in his majestyes name to stand, telling them if they would not stand hee would shoote them; The serjant then demanded of John Harrud to deliver possession of the howse unto him, that he might state William Harris therein, But Harrud smiting his hand upon his breast answered that he would not yeeld possession whilst he had life in his Body There being presant John Weekes Sen^r^. Edmund Calverley, John Weekes jun^r^ Benjamin Barton, Roger Burlingham & divers others in all to the number of ffifteene or there abouts; And when John Harrud declared himself that he would not yeeld possession whilst he had breath in his Body, John Weekes Sen^r^: Replyed that it was well spoken; the said John weekes

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therin doe ffind it to be most Destructive to the peace of our plantation and the joynt agreements of our towne and the orders therof the Which the Towne taking into seirious Consideration doe find the said matter to be utterly unwholesome and illegall and doe herby Declare the said Record to be Wholly voyd:" (*Prov. Rec.*, iii: 149.)

* This execution was in accordance with the order of the General Assembly made 14 May, 1669. (See note on p. 83.)

sen^{r}: John weekes jun^{r}: & Edmund Calverley Encouraging the sayd John Harrud not to yeeld possessiō but with Cudgells in theire handes stood in resistance of the Execution

May the first 1670: Taken before me Tho: Olney jun^{r}: Assiss^{t}:

[Cushman Papers.]

29

T. Harris, Testimony, 1 May, 1670.

Endorsed by Harris:—proveing E Calverley did declare himself a Constable at meshuntatack at y^{e} time y^{e} execution was read

Tolleration Harris aged 25 yeares or there abouts being Engaged testefieth

That upon the 2i day of Aprill in this present yeare 1670: hee goeing along with James Rogers Gennerall Serjant to Mashantatat who went to serve an Execution against John Harrud; & when the Gennerall Serjants warrant was read, Edmund Calverley declared himselfe to be Cunstable of Mashantatat, drawing a paper forth of his pockett declareing of that to be his authoritye, the which paper he read; & as he read the date, it was dated in the yeare 1666. And also read it as being signed by John Greene Assisstant:

Taken before me

May the first 1670: Tho: Olney jun^{r} Assiss^{t}:

[Cushman Papers.]

30

Harris to Carpenter, 9 July, 1670.

Endorsed by Harris:—A copie of a paper sent W Carpenter as to his bidding his son cut my grass &c 9 July 1670

Endorsed by John Sayles:—The paper whereof this is a Coppie was delivered to m^r William Carpenter on the 10^th of July 1670 by us Joseph Williams and Jo^n Sayles as attesteth o^r hands

Jo^n Sayles.
Joseph Williams

Patuxcet 9 July 1670

M^r William Carpenter, on y^e 8^th of this Instant July, your son Ephraem, or your son in law william Vincet* (as I am informed) (or both of them) mowed a spott of my land within my fence at sspecticle medow, & (I here) by your derection: you biding it to be done, as your land (soe sd) If soe it be, y^t they, or either of them: did mow y^e sd gras (ther mowed) And by Vertue of your claimeing y^e title of y^e s^d land; Then, I herby offer you, y^t though it be my land, & by me long since fenced in, & you never demanded it of me, yet, If you will refer y^e s^d defference to neighboures: I am willing: & redy soe to doe; which If: (you be willing to) I am instantly redy to attend it, & to put y^t, or any other defference in arbytration; but, herby forbid you, or them, or any other, to come on y^e s^d land: to take away y^e s^d grass cutt (untill) y^e land be Adjudged yours by an Award, or verdict; And you may remember, your aptnes to wrong m^e And not be soe redy to commit a force against me, That have soe endevored to defend your Rightes, to my^r soe great cost, as you (may know) & y^e procureing from others soe much enmety for your sake (as to your peculyer Rightes, but notwithstanding, I see you cannot Chaynge your cource toward me

William Harris

[Harris Papers, p. 90.]

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*William Vincent married, 31 May, 1670, Priscilla Carpenter. His mother, Fridgwith Vincent, was own sister to William Carpenter.

31

Harris to Arbitrators, 18 July, 1670.

To William Carpenter, & ye Arbytrators

ffor as much, as william Carpenter: hath acknowledged, That a spott of land within my fence about specticle medow: was cutt by his derection: & as he claymeing ye propriety of ye sd land, cutt by his son Ephraem Carpenter, & his son in law william Vincett, Which sd land I Clayme as my propriety; yet, never ye les, I have offered to Refer ye sd defference To Arbytration; he haveing chosen Thomas Olney ssenior, & I John Sayles: Arbytrators; for ye ending ye sd defference, Acspresed in this Issue, That is, Whether? The sd spott of land be? William Carpenters? or myne? which sd Issue on (my parte) I Refer to ye two afore sd Arbytrators, & yt sd Issue only (as to yt matter of defference) And If it should soe fall out yt ye two doe not agree theraboute, Then I am redy: to refer it to a lott of Gods provedence, to be desided by; (ye sd deference) whether it be his? or myne? or, If he be not willing to yt; then I am willing: to Refer ye choyce of an umpire, to ye sd Arbytrators; and any two of ye sd three, to end ye sd deference; And If they cannot agree on ye umpire I am all soe willing, That a lott should deside yt (If we cannot otherwise agree) And ye sd deference being ended, That each partety shall have all theyr papers from ye Arbytrators & umpire which they or ether of them: deliver, to ye sd Arbytrators, or umpire: (agayne) delivered to each partty And, That such papers as I deliver in to ye sd Arbytrators, William Carpenter (If he pleas) shall have Copies therof, under ye Arbytrators hands (& umpire) (If any be) & under my hand allsoe.

And I to have Copies: soe likewise of his.

And all to be performed, acording to time to be agreed on (by us both)

upon such sum, as we shall Joyntly agree to be bound in.

18th July 1670 At patuxcet

this 18 July 1670 William Carpenter sayth all y^e^ ground on both sides of pachaset River y^t^ is medow or may be made medow was to be aded to a share of medow onc Rich parkers * & to many holes † up to my bridg that is from patuxcet River on pachaset River

[Harris Papers, p. 90.]

32

Harris to Arbitrators [July, 1670].

Endorsed by Harris:—These papers as to william Carpenter.

ffor William Carpenter & y^e^ Arbytrators &c, to read but to give me agayne proveing, That y^e^ spott of meddow That william Carpenter Caused his sons to cutt (within my fence of specticle medow) is myne, & is a part of specticle medow first because it is one: with: & of: y^e^ sd medow, & not distinguished therfrom by any bound, but, it is moste playnely parted (viz) y^e^ sd medow without my sd fence by a natureall dich, & upland confineing y^e^ sd meddow but within my sd fence ther is noe natureall devition nor bound of parture or parting (only without my sd fence) as aforesd, it is soe parted from y^t^ medowes adition That was once layd out to John Throckmorton or Richard Parker

If william Carpenter agayne object, That y^e^ sd spott cutt &c, is his, because it lyes on y^e^ side of pachaset River

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* William Carpenter, on 15 June, 1659, bought of Richard and Ann Parker of Boston the Pawtuxet share that formerly belonged to John Throckmorton. (*Prov. Rec.*, xv: 96.) On 6 April, 1675, Carpenter relinquished all claims beyond the "seven-mile line" that might in "any ways arise from the pautuxect Right which he bought of m^r^ Richard Parker." (*Prov. Rec.*, iv: 23.)

† "Many Holes" was a twelve-acre boggy meadow. Judging by early deeds it must have been situated on Mashapaug Brook, near the present city line. (See *Prov. Rec.*, ii: 13, v: 62, xiv: 268, xvi: 334.)

I Answer, The adition to a share of medow called many holes lyes on y^e^ sides of pachaset River, therfore not all his on y^e^ sd River

2 ly much of specticle medow (below y^t^ spott cutt) lyes on y^e^ side of y^e^ s^d^ pachaset River

which was layd out (before y^e^ sd aditions) yea when his sd medow was layd out (to which sd) his sd adition was layd Therfore, thoughe specticle medow had noe adition (thoughe mieth) as well as others, yet, y^e^ sd should not be deminished allsoe, & aded to others adition when y^e^ s^d^ specticle medow had none

3 ly That he cannot Justly Challeng to y^e^ mouth of pachaset River (though formerly he hath)

first, because he makes as If he were not certayne whether y^t^ sayd lower part, adition, were aded to many holes medow or his y^t^ was Richard Parkers

2 ly from y^e^ mouth of pachaset River, ther is not any natureall bound y^t^ answers therto And yet in all those layings out when ever we could with convenyence thoughe to some disproportion still toke when Could be had natureall boundes for peace sake, by clear distinction not knowing whose lot either mieth be

2 ly If william Carpenter object anything y^t^ he may pretend in writings in William Arnolds hand which yet I know not of, when I here y^e^ perticulers I shall make perticuler answer

And but this at present If he have any writings as to y^e^ sd fore sd aditions on pachaset River they then concern all patuxcet purchasors & should have been more publique then yet they could be made (by request) but when william Carpenter aboute or aboue twenty years since pretended to have bought to his peculyer propriety all y^e^ medow on y^e^ sd pachaset River (on y^e^ westward side therof) Then he denyde any papers or writings of y^e^ sd aditions to many holes medow & his now medow but then none of his but Richard Parkers, at which time I would have seen y^e^ sd pretended papers, (sd) to be in william Arnolds hands

but for as much as y^e^ fore sd Arbytrators have knowne wil-

liam Carpenter Challeng his neighbours land to himself unjustly

And william Arnold to have had ye writeings ther of & delivered them defaced & Raced* & they both partnors in theyr unlawfull claymes I wish good consideration & deliberation may be as to such papers before any conclutions be acted ther on or ther by, untill we have ye copies at least ther of, to answer ther to either by consent to ye sd papers or to shew my Reasons of dissent ther to in writing, by which ye matter in defferenc & other things ther on depending may apear ye more clear

2 ly as to ye sd papers (If such ther be) yt say all ye medowes on pachaset River to ye mouth therof shall be (on both sides) to ye sd share of medow, now william Carpenters once Richard Parkers, an adition to ye sd medow, except &c

Then I say If such a paper be, how Ignorant of ye sd paper was william Carpenter, when he fenced a spott of medow on ye west side of ye sd pachaset River, ye sd spott beginning at ye mouth of ye sd River & reacheth up beyound yt bounde he now sets for me on ye east side of ye sd River which sd spott he denyed then to belong to Richard Parkers share of medow as an adition ther to, but cutt & used ye sd spott as his owne by vertue of a purchase he sd he had made with some other Indeans (not our Grantors) thoughe by (our grantors he now is contented to hold it (ye sd spott) (now he hath bought ye sd medow of Richard Parker) to which sd medow ye sd spott was an adition (before william Carpenter made his last purchas of his Indean grantors & fenced it in as apears by ye award yt was by Major Hathorn & ye Rest &c

or If not Ignorant of ye sd paper, then, how unfaythfull to his owne acts & how unjust to his neigbours & partnors Judg ye (If such a paper as afore sd in william Arnolds hands) (& he knew it) or other wise had knowledg of ye sd aditions &

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*William Arnold had been frequently accused of having mutilated the original "Towne Evidence" for his private ends. (See *Prov. Rec.*, xv: 30; *R. I. Hist. Soc. Pub.*, i: 203, iv: 196; Field, *Rhode Island*, 1: 30.)

yet, pretended, to buy it agayne, & soe defeated: actually, y^e^ sd Richard Parker, & william ffield, of theyr sd aditions to theyr sd medowes (for sometime) y^e^ sd aditions lying on both sides of pachaset River which william Carpenter (now ownes) in y^e^ Right of Richard Parker & Challengeth more then ever Richard Parker did

[Harris Papers, p. 91.]

33

OLNEY AND HAWKINS, TESTIMONY, 21 OCTOBER, 1670.

Endorsed :—Epe: Olney, & will haukins theire Testemonies

Endorsed by Harris :—This shews y^e^ length of wanasquetucet river it length &c by Epenetus Olney & W, Hakings from y^e^ place they mesured eleven miles therefore meshantatacks bounds within it

Endorsed by Moses Brown :—Evidence of Wanaspatuckett River being more than 11 Miles Long but how Much More dont say, but some say 2 Miles Making 13 and Lyeth a little North of N W from Providence Bridge*

Epenetus Olney of providence Aged 36 yeares or there abouts being Engaged testeffieth,

That upon the 19^th^ of this instant october, hee with William haukins jun^r^: was by William Harris of this Towne of providence, requested to measure the length of the River called Wanasquatuckett; The sayd rivers mouth being about a mile from providence Towne Bridge, towards the Norwest; The which the sayd Epenetus Olney, & the sayd William Haukins

* Thirteen miles is about the actual air line distance from what is now known as Market Square bridge in Providence to the head of the river, on the southern base of Woonsocket Hill, in the west central part of the present town of North Smithfield.

jun^{r}: did upon the 19th, & 20th day of this instant October measure the said River (from a place in the River called the Keyes*) with as straight a Course as conveniently they could along the sayd river where it did runn pretty straight; & from thence along a path that is betweene the howse of William Haukins sen^{r}: & the mouth off the sayd Wanasquatuckett river; which length, by a line of two poles long hee sayth they measured, & found so much of the sayde River to be eleven miles & upwards. And to the best of theire understanding the sayd River, at the aforesayd place called by some the Keyes lieth norwest, or to the North of the Norwest from the aforsd Towne Bridg of providence: But he saith they did not measure to the head of the sayd River & therefore knoweth not how much further it is; but hee sayth the Indians report that the sayd River is up two miles farther before it heads,
Octob^{r}: the 21: 1670:

Taken before me Tho: Olney jun^{r}: Asiss^{t}:

William Haukins of providence jun^{r}; aged 23 yeares or there abouts being Engaged testeffieth as ffolloweth

That upon the 19th of this instant October hee with Epenetus Olney, was by William Harris of this Towne of providence Requested to measure the length of the river called wanasquatuckett; The sayd Rivers Mouth being about a mile from providence Towne Bridge, towards the Norwest: The which the sayd William Haukins, and the sayd Epenetus Olney did, upon the 19th and 20th day of this instant October measure the sayd River (from a place in the River called the Keyes) with as straight a course as conveniently they could along the sayd

* The Keyes was a pine swamp or woods lying on the eastern side of the eastern branch of Woonasquatucket river, about a mile and a half north of the present Stillwater. (See F. A. Arnold in *Narr. Hist. Reg.*, vi: 62.) The word *Keyes* probably was not derived from the Spanish *Key*, i. e., a low island, but was used in the old English meaning of a wharf, quay, or perhaps a dyke along a river.

River where it did runn pretty straight: And from thence along a path that is betweene the howse of his ffather William Haukins & the mouth of the sayd Wanasquatuckett River: which length by a line of two poles long he sayth they measured, and found so much of the say River to be Eleven Miles, & upward: & to the best of theire understanding, the sayd river at the aforesd place called by some the Keyes; lieth Norwest, or to the North of the Norwest, from the aforesd Towne Bridge of Providence, But hee sayth that they did not measure to the head of the sayd River, & therefore knoweth not how much further it is: But hee sayth that hee hath some time benn up the sayd River three quarters of a mile further than they then measured; & yett was not so farr as the head there of;

Octob^{r}: the 21: 1670:

Taken before me Tho: Olney jun^{r}: Asisst:

[Cushman Papers.]

34

HARRIS, CONCERNING CONNECTICUT [FEBRUARY, 1672].*

Gentlemen, be pleased to understand that wheareas you have laid on us lately two Rates † both of y^{m}. to ye value of 126^{lbs}. 6s. in ye common countrey pay 27^{lbs}: 15^{s}: being dubled

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* The original of this document is in the Connecticut Archives (Doc. no. 28 in "Colonial Boundaries, vol. 1, Rhode Island, 1662–1742"). Pasted upon the last sheet is a piece of paper endorsed "M^{r}. Harris his argum^{t} against Road Iland," and in another hand, the dates "May 50 May 63 Octob 66." Internal evidence, however, shows that the document was written early in 1672, probably in February.

† On 25 September, 1671, the Assembly voted to assess a rate of £250, of which £200 was to go for the expenses of an English agent, the remainder for general colony expenses. John Clarke was appointed as agent "to manage the appeale of this Colony to his Majesty against the intrusions of Connecticut." (*R. I. Col. Rec.*, ii: 411–412.)

as useth the sd. Silver being to send an agent for England as to bounds of our charter and ye other part to pay your Colony debts some whereof wee suppose is as to ye charge of procuring your charter * Wee say had others paid their whole sums as wee did of ye 600 lbs rate † for ye payment of Mr. Pain & Mr. Clark ye Colony had then been out of dept as the sd. assemblies act saith ye sd. somes would have paid But as for debts as to Musqumicut ‡ wee doe doe not count ourselves indebted thereby wee have borne to much upon such occasion allready wee suppose debts may be increased by forbearance in England but we wonder it should be expected of us yt have paid ye principall as to our promise and something more yt we should pay other men principall and the Debt of intrust also we will rather use all lawfull dilligence (to keep it from ourselves) (and others) whose debt it is (by promise) and as for that rate to send an agent for England wee hereby declare that wee have no consent in it nor aprove of it and our reasons wee will shew in ye close of this paper after you have heard (supposedly) cunnecticut may say to prevent you. we have heard many allegations by severall intellagable persons of each claimes which we will lay down togather with ye law and Clawses of ye law of England supposed to be the rule of Judgment (in such cases) Conecticut hath asserted the extent of their patent demanding of Road Island that they forbear the exercise of Jurisdiction by a messengar (to that purpose) Road Island may be supposed to say what is the extent asserted by Conetticutt seeing that Narrigansett river is (now) that Musquomicott river by their agent agreed by arbitration to be from that time Narrigansett river therefore the eastward side of the sd. river (not Connetticut) but Road Island juris-

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* A copy of the Charter of 1663, in Harris's own hand, is among the manuscripts of the R. I. Historical Society.

† See note on p. 78 for an account of the rate of £600 levied in October, 1664.

‡ The Indian name for Westerly, which town was a source of dispute between Rhode Island and Connecticut.

diction bound.* Conecticut may be supposed to say yt ye Eastward bound expresed in their patent is Narrigansett River Commonly called Narrigansett Bay (where it falleth into the Sea) And ye s^d^. river which runeth into Salt river which is between Providence & rehoboth (called Seaconke) Runeth between Rehoboth & warwick; & at warwick falleth into ye Narragansett Bay, on ye Eastward side thereof. And ye s^d^. River, is within ye Narragansett Bay, and ye fairest river within the s^d^. Bay and therefore of good Reason, ye fittest to bear ye baies name (as it did) about 45 yeares since or more, it was so called by the first English that had occasion to give it (for distinction) a name namely ye Plymouth traiders at their house at Ssowames, and ye s^d^. river distinguinguished ye Indians namely Cononjcus, & Meantenomies on ye west side: from Osemequens on ye East side Therefore Narrigansett River truly & Rationally

2ly Musquamecot River, cannot be Narrigansett River Rationally. first it is not in ye s^d^. Narragansett Bay

2ly It cannot be (That) Narragansett River expressed in Coneticut patent, it, was then Musquamecot River: & untill, ye s^d^. Arbitration gave it that name of Narrigansett River

Therefore, not ye Narrigansett River (so long before expressed in Coneticut Charter or patent)

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* According to the terms of her charter of 1662, Connecticut's eastern boundary extended as far as "Narrogancett River, commonly called Narrogancett Bay." But the great Narragansett country to the west of Narragansett Bay was included within the Rhode Island Patent of 1644. Clarke, the Rhode Island agent, made such forceful protests against the reassignment of this territory that Winthrop, the Connecticut agent, was compelled to overstay his time abroad in order to compose these differences. In April, 1663, an award of four arbiters was brought about, whereby it was decided that the Pawcatuck river should "be the certaine bounds betweene those two Colonies, which said River shall for the future be alsoe called alias Narrogansett, or Narrogansett River." *R. I. Col. Rec.*, i: 518.) When Rhode Island's charter of July, 1663 appeared, it bounded her territory on the southwest by the Pawcatuck river and especially nullified any contradictory clause in the "late Connecticut grant," stating that the Pawcatuck river had been yielded by both agents to be the fixed bound between the colonies.

3ly, Suppose Coneticut will allso say That Mr Winthrop: Then & in yt, was not their agent, and though he had a comition to procure a patent, did and sent it, yett had no comition to put it to arbitration, nor power thereby to null ye kings grant to them

4ly Suppose Coneticut will say, they had ye first grant of ye king according to law (as to ye s^d^. bounds) a later grant cannot null it — Road Island may be supposed to Say, that they had Charter of ye s^d^. bounds: before Coneticuts (first) & before Road Islands (last) & therefore, If Conecticuts agent did not in his Bills of Petition for a patent of ye s^d^. bounds to ye king mentioned, ye s^d^. first Patent of Road Island, then Conecticut Charter Void by ye 6 H 8, 15* but Coneticut agent did not express ye s^d^. first Charter of Road Island, therefore Void ye s^d^. Coneticut patent Co — Conecticut may be supposed to answer, That ye s^d^. statutes speake of Charters at will & pleasure, but as for patents to bodies Polatick & their successors (as a patent at will & pleasure cannot be void) (though gotten by ondue pretents) & importunity) and therefore If Road Island had a good and lawful patent (of ye king) to them & their successors Conecticuts later Patent cannot make it void

2ly A Patent (so) to be acspressed in ye s^d^. Statute must be in life Granted by ye king for ye time being, but ye s^d^. Charter of Road Island beares date ye ye 14. of March 1643, & granted, by vertue of an ordnance of ye Lords & commons assembled in Parliment, but it is not said, to be granted by ye

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* I. e.: Laws of the sixth year of King Henry VIII, cap. XV. The Library of the Rhode Island Historical Society contains *A Collection of Sundry Statutes, Frequent in Use . . . By Ferdinando Pulton* — London, 1661 (Folio, 43 ll and 1427 pp.), which belonged to William Harris and must have been one of his most prized possessions. The fly leaves, both front and back, contain many notes in his handwriting. One-half page of memoranda is headed "Statutes as againste forcable entryes," and most of the notes are to laws bearing upon his controversies. This was "ye Statute booke by Poulton" mentioned with several other law books in the inventory of Harris's estate. (*Prov. Rec.*, vi: 89.)

king, and not haveing the s^d^. Royall asent is void, & that authority yt granted it (without the s^d^ Royall asent) as appears by the 13 of king Charles ye second & first, in these words, all orders or ordinances of both, or either houses of Parliment (to which ye royall asent was not, wear void & null in they first Creation, & soe shall be taken therefore ye s^d^ Road Island first Charter never had life, therefore not in life therefore should not be expressed (by ye afores^d^. Statutes in Coneticuts agents bills of petition for a Patent — Road Island may be supposed to say that Coneticut Charter: Should bear date by law ye day of ye delivery of ye kings warrant into ye Chansery for ye s^d^. patent, but Coneticut patent doth not bear dte ye s^d^ day: of ye delivering ye kings warrant therefore void by ye words of ye s^d^. Statute, 18 K H 6, 1. and as followeth, first whereas by suitt made to ye king, by divers persons it hath been desired by their petitions, to have offices, fearmes, & other things of ye Gift & Grant of ye king: by his gratious letters Patents thereof to them to be made, refering by ye same petitions, ye same letters Patents of ye king, to Beare date at a Sertaine day limited in ye Same, the which day is often long before ye kings grant to them theirupon made have borne ye same date, by reason whereof divers of ye kings Leig people having such offices, farmes, or other things of ye gift or grant of ye king by his gracious letters Patents thereof to them long time before duely made, by such subtill Imaginations of such antedates desired by such petitions of such offices, fearmes, or other things: often have been amoved, & put out & expelled against right, good contience & reason, our s^d^. Lord ye king, willing to putt out such imaginations, by ye advice of ye Lords Spirituall & temporall afores and at the especiall request of ye s^d^. commons hath ordained by authority of the same Parliment, That of every warrant hereafter sent by ye same our lord the king or his heires, to ye Chansellor of England for ye time being, The day of ye delivery of ye same to ye Chansellor, shall be entered of Records in ye Chansery and yt ye Chansellor doe cause letters patents to be made upon ye same warrant bearing date ye day of ye said delivery

in ye chaunsery and not before in any wise & if any letters patents be from henceforth made to the contrary they shall be void, frustrated & holden for none. Now, Conecticut Charter bearing date ye day of ye Sealing, & not ye day of ye delivery of ye kings warrant to ye Chansery is void frustrated: & to be holden for none, Coneticut may be supposed to answer yt ye end of ye s^{d}. Statute is acspressed to put out all Imaginations of fraudilent antedates, by which such s^{d}. patents, put out the former true & lawfull patents, which a patent of date at ye day of sealing cannot be imagined to doe, being of ye Latest date, & can doe no wrong to any former date of any grant, therefore not such a date s^{d}. nor intended in ye s^{d}. Statute

2ly. Supposed will be s^{d}. that such dates contrary to ye s^{d}. Statute, is expressed by these wordes in ye s^{d}. Statutes (only) (vizt and not before) in any wise, yt is (as befores^{d}.) not before the s^{d}. day of delivery of ye s^{d}. warrant in ye Chansery, & if any be to ye contrary then void That is if they be dated before ye s^{d}. day which s^{d}. date, being only contrary to ye words and Meaning of ye s^{d}. Statute

3ly The authority of observeing ye s^{d}. Statutes (by ye s^{d}. Statut) that is given to ye Chansellor (as to ye s^{d}. date) that by his power and order should bear date ye s^{d}. day of delivery (& not before) If after it can doe no damage (to any) nor ye Law, nor to ye patentees thereof (except some other should by some undue means gett a grant of ye same) & gett ye s^{d}. first date in ye s^{d}. Statute alowed) Road Island supposed to say, that by Coneticut agent: the king was deceived in his grant for his grant obtained, takes in Maryland & Vergina, & others and such a grant is void, for ye s^{d}. Patents are in life, therefore by ye s^{d}. 6.H.8. 15 Void, The words of the Statute are as followeth, The kings highnes of his goodness calling calling to his Remembrance yt where his grace hath granted to divers of his Servants (for their Service to his grace done) lands tenements, free, offices & other things to have to them duering his pleasure, & after there persons by their sundry Suites haveing obtained of his highness other letter patents

of ye same (not advertizeing his grace) of his former grants whereby ye s^d^. patentees have been avoided, & put from ye advantage of their s^d^. former grants & patents, contrary to ye intent & grant of our Sovaraigne lord, wherefore it ordained established & enacted by our s^d^. Sovaigne lord ye lords spirituall & temporall: & ye Commons in this present Parliment asembled & by authority of ye same that if any person or persons from hènceforth doe make suit to ye kings highness for any lands tenements offices or any other things (so) by his grace granted or hereafter to be granted to any person or persons (duering his pleasure) (The s^d^. first patent then being in life) That he doe express in his s^d^. bill of petition or patent, The tenour of ye former patent—And yt ye king then hath then determined his pleasure against ye s^d^. first patentee, or els ye second letters patents of any of ye premises to any person hereafter to be granted to be void & of no effect Therefore inasmuch as ye s^d^. Charters within the bounds of Coneticut Charter Maryland & Vergina obtained & not expressed in their petition or patent therefore by the s^d^. Statute null & void Conetticutt may be supposed to answer, that ye s^d^. Statute Extends only to patents at will & pleasure, & not to patents & patentees & their successors Therefore extends not to Coneticutt charter to them and their successors

And, yt patents only at will & pleasure are intended (in ye s^d^. Statute) appeares by yt which is s^d^. shall be expresed viz that the king hath determined his pleasure which cannot be of a patent to patenttees & their successors to have perpetuall succession (except voided by due form of law) which s^d^.) ye kings pleasure determines not

2ly. Supposed they will Say, That none can Sertainly prove, that their bounds of patent doth comprehend ye s^d^. Maryland & Vergina or either of them

3ly, That they never soe intended, but have agreed & confirmed their bounds by the Duke of Yorkes patent & therefore cannot be construed to intend ye other two &c

4ly they have committed noe trespas nor force against ye afores^d^. Patent therefore deserve noe punishment

5ly If they had, noe complaint is made against them, nor Road Island ther selesetor to any suit in their behalfe therefore conetticutt patent by ye s^d^. Statute is not made void—Supposed Road Island may say, That suppose (& but suppose) that they had noe Charter yett have ye Jurisdiction of ye s^d^. bounds by an authority of ye Commitioners (vizt) Coronall Chartwrite S^r^. Robertt Carr & Esquir Maverick Therefore, conecticutt patent (to ye s^d^ bounds) void— Suppose Coneticutt will answer, that another patent may possibly be granted of ye same (by information, yett first patent according to law) (by ye law) will stand (if not otherwise lawfully void—Road Island supposed to say, That coneticutt Patent was condemned (as to ye s^d^. bounds) by ye s^d^. Sr Roertt Carr Colonel Chartwrite & Esquire Maverick *—Conecticutt supposed to say, That they had no triall by their peers

2ly all acts of ye s^d^. Commitioners (That were athentick) were to have The authority of Colonell Nicholas thereto, but had not, therefore not authentick &c s^d^. supposed Act

3ly, If ye s^d^. Commition tooke place, then Road Island patent (as to s^d^. bound) displaced Then Road Island patent by them not (their) to be pleaded against Coneticut—Road Island may be supposed to say, that they have not only ye Jurisdiction, of ye s^d^. bounds, but allso by ye voluntary Consent of ye people upon their Ingagement of Suffering ye penalty of perjury, & ye s^d^. bounds by arbitration allso &c Conetticutt supposed to say, that as to the arbitration that it was not by them

2ly upon that ground of arbitration Major Athertons partnors had liberty to be of Coneticutt Jurisdiction, & doe Choose it, but Road Island who (by their agent) had power with him (on there parts) by which pretents they obtained there late patent

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* The three Royal Commissioners arrived in Rhode Island in March, 1665, and after examining the question decided that the Narragansett Country extended as far west as the Pawcatuck river, and ordered that the Rhode Island officials should serve as magistrates throughout the province. They also declared that all grants of land made at Misquamicuck, either by Massachusetts or by "that usurped authority called the United Colonies," were void. (*R. I. Hist. Soc. Coll.*, iii: 179–182, 262.)

yett denied there premises forceing (as much as they can) ye Inhabitants thereon to submit to them, & would not on there parte, keep ye promes they made. but would have Coneticutt loose there bounds, by pretense of promes by arbitration, which they made not, and all for ye maintaining ye vertue & force of there patent (so obtained) by there pretended promes of Road Island, which they keep not w^th^. conetticutt

3ly, as to the Ingagement (A by-law) not Coresponding with ye law of England, noe man therefore thereby to suffer, nor none to inflict such a punishment for breach of promes (if ye promes had been lawfull) (but is not) as for a falce oath, & yet Road Island pretend such a power, which ye law of England nor judges there have not, therefore usurped

4ly the Inhabitants of Narrigansett first freely choose to be of Coneticut *

5ly the true partnors of Major Atherton (Generall) Never did submit to Road Island which were they men excepted in ye arbitration which road Island (by their agent) assented to & promised their choice as afforesd^. yet &c

Road Island supposed to say, that ye kings authority hath subjected them, & therefore within ye s^d^. bound they cannot relinquish their obedience to ye kings Majestys laws & ye s^d^. authority by ye king is to stand & be obeied, and other grant to Conetticut ye Contrary notwithstanding (as road Island Charter saith Coneticutt may be supposed to answer that ye s^d^. nonabstante) (regularly) will not Invalve Coneticut grant, for could it, then all grants to grantees & there successors could not be aperpetuated estate, & yett in such said grants & in Coneticutt grant s^d^. yt they shall & may have perpetuall succession, which s^d^. words granted, It might be invaled by the foresd^. (nonabstanti) then ye first grant hath no other Effort, then a grant at will & pleasure and yt ye s^d^. Grant

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* This was in accordance with the third provision of the Winthrop-Clarke agreement of 7 April, 1663, which allowed the Narragansett proprietors to choose to which Colony they would belong. (*R. I. Col. Rec.*, i: 518.)

shall to coneticutt (saieth) That ye s^d^. Grant shall be most favourablely construed, for ye best behove & most favourable for ye Governor & Company of conetticut, yea & such is ye Common law of England to grantees, That they shall have ye most favourable Construction yea, & very many of ye Statute laws of England, have (so) confirmed, ye kings grantees as by the 34 & 5 of H 8,21 will appear and not with Standing the misresitall or non Resiteall of some parts of ye places or lands &c yet according to ye most favourable constitution confirmed to ye s^d^. grantees, & many more Statutes to ye same effect, and all according to ye common law of England, & when it hath so happened yt by pretence of publique good & importunity, after letters patents have been obtained, to avoid first letters patents (though but at will & pleasure) yett a law provided for a remedy 6 H 8. 15 before resited. Road Island may be supposed to say that in ye said Statute it is said, ye king was not advertised by the latter Patentee of his first Grant, but ye king fully informed by Road Island agent, of Conetticuts grant seruptiously obtained, & therefore Road Island Grant good, & ye said (nonabstanti) of full force

Suppose connetticut may answer, that ye king was by Road Island agent, much Importuned, but not Rightly informed for, first conetticut had there then (as to the Matter of arbitration) noe agent

2ly Road Island agent used ye arbitration but in part (only to make way) for his owne grant, but not ye other part of it into his charter (vizt) that Major Athertons partnors might choose to which Jurisdiction they would pertaine, & so seruptiously got a supposed advantage, of a supposed conetticut agent, and a supposed grant, &c.

3ly The king was not rightly informed, (as to Road Island first grant) (as being not granted by ye king) but by an ordinance of ye Lords & Commones assembled in parliment, 1643, then by Commitee ye s^d^. first first Road Island grant, to which ye Royall asent was not, & therefore, by ye 13 king Charles ye 2 & 15 Statute it is said void all orders & ordinances of both or either houses of parliment to which ye royall asent was not

were in theyr first creation & makeing null & void & so shall Remaine therefore by ye s^d^. act ye s^d^. Charter, none, of which the kings was not advertised

4ly the s^d^. (nonabstanti) will witnes (& therefore Road Island agent) that ye s^d^. bounds are granted by Conetticut patent was to Conetticut &c, then cannot be made void & null (ye said Conetticut Charter) by Road Island charter) in any ye s^d^. bounds of conetticut, first, because Conetticut patent was, first

2ly it hath not been lost any part of it by due forme of Law nor there peers

3ly, The s^d^. Grant is a good & lawfull Grant and not against any law of England and as to yt Road Island before is supposed to say, that they cannot relinquish obedience &c to ye authority of their grant, to yt Conetticut may be supposed to answer that Road Island may (more Safely) Relinquish ye whole Bounds then clame or exercise Jurisdiction of, or any of it as appeares by ye 21 of King James third Statute in these words &c. all Monopolis and dispensations w^th^. penall Statuts Shall be void fforasmuch as your most exselent Majesty, In your Royall judgement & of your blessed disposition to ye weall & quiett of your Subjects, did in the year of our Lord God 1610 publish in print to ye whole Realm & to all posterity, that all grants & Monopolis & of ye benefitt of penall Laws or of power to dispence with ye law, or to compound for ye forfiture are contrary to your Majesties lawes which your Majesties declaration is truly consonant & agreeable to ye antient & fundamentall laws of this our realme. And whereas your Majesty was further gratiously pleased expresly to command that no suite should presume to move your Majesty for matters of yt nature yett never ye les upon misinformation & Untrue pretences, of Publique good, many such grants have been unduely obtained & unlawfully put in execution, to ye great greveance inconvenience of your Majestys Subjects contrary to your Majesties blessed intention so published as afores^d^. for avoiding whereof, and preventing the like to come

May it please your excellent Majesty at ye humble suit of the lords Spirituall & temporall and ye Commons In this present parliment assembled, that it may be declared & Enacted, by authority of these present parliment, That all monepolicies & all commitions Grants licenses Charters, & letters patents hereafter made or grantid: And hereafter to be made or granted To any person or persons Bodies pollatick or corporate whatsoever of or for the sole buying, Selling, makeing, workeing, or useing of any thing within this realme or ye dominions of Walles or of any other menopolies or all power or fauculty to dispence with any other or to give licence or toleration to doe, use or exersise anything against ye tenour or purporte of any law or Statute or to give or make any warrant for any such disspensation, licence or Toleration to be had or made, or to be agreed or compound with any others for any penallty or forfitures limited by any Statute (or of any grant or promis of ye of ye benefitt profett or comodity of any forfiture penalty or Sum of money That is or shall be due by any Statute (before Judgment thereupon had) and all proclamations Inhabitations restraints, warrants of assistants & all other matters & things whatsoever any way tending to Instruction erecting strengthening furthering or Countenancing of ye same or any of them, are alltogether contrary to ye laws of this Realme & soe are, & shall be utterly void, & of none effect, & in no wise to be put in use or examination

And be it further declared & Enacted by authority aforesaid that all monopolies & all such comitions, Granted, licences, Charters, letters, patents, proclamations, Inhibitions, Restraintes, warrants of assistants, & all other matters & things tending as aforesd & ye force & Validity of them & of every of them ought to be & shall be for ever hereafter, examined heard, Tryed and determined, by & according to the common lawes of this realme, and (not otherwise)

Then suppose Conetticut may say, that the sd. Patent of Road Island doth dispence with very many of ye laws of England 13 R 2, 7.1 El. 1, 1Ed.6.1.5 El 1, and much more as to yt might be said, but a word (to ye wise) is sufficient — Road

Island supposed may say, that the s^d^. law, doth onely Intend England & wales, as therein expressed, And not new England Conetticut may be supposed to answer that it is Granted to Conetticut & that they shall have all Emunities liberties & priveledges, of naturall & free borne subjects of England (Ever here) and in England allso therefore to be justified or condemned by ye lawes of England (If tried) and not loose there franches & liberties, without a tryall at ye common law by there peers (as ye s^d^. law doth require) and many other, for all naturall borne subjects of his Majesties Realme of England are borne to a perpetuall Inheritance (of ye lawes of England) and ye kings Majesty hath Granted them ye Like Libertyes 9 H 3. 1.M* these words wee have granted allso & given to all ye freemen of our realme for us & our heirs for ever these liberties underwritten to have & to hold to them & there heires of us, our heires forever, the s^d^. Liberties (some of them) in ye 29 chapter of ye said great Charter of ye liberties of Englishmen (afores^d^.) are in these words in this Charter noe freeman shall be taken or imprisoned or be be deseased of his freehold or liberties or free customes or be out lawed or exsiled or any other way destroyed nor wee will not pass upon him condem him but by lawfull judgment of his peers or by ye law of ye land, wee will sell to noe man we will not deny nor defer to any man either justice right, without which s^d^. liberties of peerage Conetticutt patent cannot regularly be lost or Seised out of there hands nor any part, and ye kings Majesty Charles ye second hath made proclamation that he will rule by ye good old lawes of his Realme, and did by his act of Indemnety & oblivion allow ye supposed Greatest offenders excepted out of his free & generall pardon their pearage to defend (If they could) their lives and lands therefore he will not deny but allow his loyall subjects there peerage as to there land & liberties

first then, considering all ye former breef hintes of ye Validity or Invalidety of ye s^d^. claimes, upon ye s^d^. lawes Resited.

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* Magna Charta.

2ly That ye kings Majesty hath expressed his great Charg, to put an end to ye s^{d}. & such like differences, and yett, If we should be to his Majesty yett more troublesome, & to ourselves & others more acspensive by Rattes, & sending an agent &c

3ly when he comes there (by ye Law) when he hath petitioned to ye king, There Shall be sent with his suggestion to ye Chansellor & ye kings grant, Councill there to give security to make good his Suggestion, which if he make not good is to be a prisoner untill he agree with Conetticut, & allso pay a fine to ye king, Now for us to trouble ye king and to venter his displeasure, & Jeopaardy our so great charg which may Reasonably be Immagined, above two thousan Pounds

4ly Considering what Straights wee may run an agent into to gett security, considering how we delt with Master Dean that Noble minded ffriend, which is two well knowne (our neglect*)

5ly not knowing but yt as such attent (so ourselves) may be dissolved, as he & we were, And then, when wee have paid our owne parts, of what he shall spend & forced by being one body in ye case, to become surety, for others allso That will not pay, nor cannot be compelled, and soe an agent, & ourselves under great damage & disgrace, & in great Straites, not knowing how to help ourselves (but by paying other mens debts) (if we be able) and made by the same a derision, as we have been, when we have done all, and herein wee doe not Speak at a venture, but our Experience, which teacheth fooles and if wee Should not learn of her we were worse. And

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* While in London as agent for the Colony, Clarke was obliged to borrow £140 from Richard Deane, giving him a mortgage on a house and land in Newport. The Assembly, 4 September, 1666 (*R. I. Col. Rec.*, ii: 175), voted to assume this mortgage, so that Clarke should not be dispossessed of his home, and the money was ordered to be sent to London. In April, 1672, a committee was appointed to draw up letters of gratitude to Mr. Deane. (*R. I. Col. Rec.*, ii: 445.) In October, 1680, Deane was still unpaid, and the opponents of Harris in the Assembly protested against repaying the latter £10 which he had sent to Deane on behalf of the colony. (*R. I. Col. Rec.*, iii: 94.)

therefore gentlemen, we hope we hope you will hold us reasonably excused, from any more payment as to your Charter, being Sorry it hath been so troublesome, & chargable, to Mr. John Clark: and ourselves, knowing, he did as much as he could (according to his consience) (& more we would not urge on any man) And seeing such ability (as is wished) with respect to tender consience, cannot (as yett) be obtained(& defended by ye laws of england) It behoveth all men (yt desire it) to be Instant in prayers to god who hath all hearts in his hands that made them, & in his owne due time to turne them, to all tendernes towards himself & his Innocent Servants (in love) hopeing, & desireing, yt good workes may so shine forth towards god: & our neighbours, That men seeing them just, mercifull, & all wayes humble Disposed whatever be Suffered That men May then Glorifie God as to see, & know him to be ye Greatest power, in every ones Consience — ffurther More, we answer you, we dare not give any deniall to ye kings Majestys authority, first Granted which seemes to Carry with it The most Strength of law which is, & will be the rule to try us by (If we denie it)*

[*Extracts from Conn. MSS. relating to R. I.*, i: 49–67, a manuscript volume, certified to by the Secretary of State of Conn., in the R. I. Hist. Soc. Lib'y.]

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* For writing this document, Harris was brought before the Court at Newport, on 24 February, 1672, and committed to prison without bail, upon the charge of speaking and writing against the Charter. (*R. I. Col. Rec.*, ii: 429.) In April the Assembly renewed the tax for Clarke, refused to receive a paper from Harris, and passed a high handed act ordering that all who opposed any rate should be bound over to the Court of Trials for "high contempt and sedition." (*Idem*, ii: 435–439.) In the following month there came a great political upheaval. The moderate Quaker party combined with the pro-Connecticut element in Narragansett and effected an almost complete change of officers. The new Assembly immediately proceeded to undo the work of their predecessors, repealing the rate for Clarke and the sedition act and writing a conciliatory letter to Connecticut. (*Idem*, ii: 450–461.) The spirited protests, however, sent in by the people of Warwick and by others prevented this re-

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Harris to Williamson, 26 April, 1675.

Addressed:—To the Honnored Sr Joseph Williamson * The Kings Majestyes Honnorable Cecretori this prayeth to be delivered.

Honnored Sr.

I humblely pray your patience; It is true: I haue bin trouble some to your Honnor: And others but whether my need of Justice And lawfull proceeding be not the ocation because of vndeserued wrong (of men) my opresors I leaue to allmighty God &c And a few words to your Honnors objection And then I haue done commending all to the wise prouidence of God without perplexed care from former Certayne exsperyence I haue had of ye same good prouidence to whome I haue formerly soe commended the like matters who would not let Gideons army to be too many himself might make manyfest his allmighty Arme & ayde

The objection, (vizt) That it is true the king doth giue Commitions to preserue his peace &c but not second or later Commitions as to try titles of lands &c

Answer That the suppresing of forceable entryes Detaynors & Riots is in the Commitions of the peace And the Statutes against ye sd entryes &c to be executed thereby

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action from going too far. The whole series of events would seem to show that Harris, whatever may have been his motives, was considered a traitor only by the party that opposed him. Williams's recorded opinion, though prejudiced, is of much importance in this connection. (See *G. Fox digg'd out of his Burrowes*, pp. 206–7; and letter to Winthrop in *2 Mass. Hist. Soc. Proc.*, iii: 258.)

* Williamson (1633–1701) after filling various subordinate positions in the office of the Secretary of State from 1660 to 1672, succeeded to that office in June, 1674. During the next four years and a half he occupied himself with great energy and skill in directing the various foreign and colonial interests of the British crown.

2 All the Patents In new England giue power to the same Justices of peace ther to Inquire hear & determine as to titles of land allsoe

3 our sd lands haue bin forcablely Entered vpon And are still soe detayned at least Riotously against verdict & Judgment

4 That writs to remoue suits to higher Courts for more Impartiall tryalls are tryd by an other Commition which hath at least the efect of a later or more

5 It seems that persons supposed to commit a force vpon y^e^ offer to trauerce theyr title to possession shall not in case be remoued but admited to try the same by the Country before the sd Justices of y^e^ peac[e]

6 The omition of Execution of the law by which execution &c the peace is preserued & omition of y^e^ sd power ther giuen by patent is the defeate of y^t^ exercise, of y^t^ power, y^e^ peace, & our possession, & our title we wear by the law of the sd Collony forced to proue before the forcable entry ther could be tryed And as to our title had a Verdict & Judgment but execution rezisted And the force neuer yet tryed thoughe complayned

And therfore whether, for, all the fore sd
A later order or commition with power in the sd cases afore sd which the former commitionors or patenttees had not but should haue executed be not need full And Reguler I leave to the wise prouidence of God, The kings Majestyes pleasure, His Honnorable Councill And your Honno^rs^ pleasure to fauor or &c To whome I doubte not but the tedeousnes of the matter is wearysome to all to heare but how wearysome to the sufferors of y^e^ same soe long to bear I leaue to y^e^ Just & righteous God to Judg & redres

And Humblely pray of your Honnor That what the kings pleasure is to grant may haue the name of an order (If it may be)

And Requiring or Commanding

And Impowering three If the fourth should fayle least at the worst all should fayle & Justice be defeated

And acording to your Honnors care, wisdome, & great kindnes Each Gouernor may haue one.

As Humblely prayeth

William Harris

[Transcript from the original in the British Public Record Office, London, Colonial Papers, xxxiv: No. 60. See Sainsbury, *Calendar State Papers, Am. & W. I., 1675–76*, no. 532.]

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HARRIS TO WILLIAMSON, 26 APRIL, 1675.

Addressed:—To S^r^. Joseph Williamson, His Majestyes Honnorable Secretorie this prayeth to be delivered.

Humblely praying your Honnor be pleased to Concider that the four Gouernors of Conecticott, Massatusets, New Plimoth, & Rhode Island are aboute fifty or sixty miles distant from each And therfore being unapt ther by to consullt & will be long before by letters to each other & Answers ther to before theyr ocations and vnderstandings of the best way to proceed may sute & agree with each other If ther be not some derection by the Kings Majesty to them or more spetially to some one of them to derect only therfore I pray your Honnor in the moste redy & speedy maner & moste Authentickly to an efectuall performance of y^e^ matter It may as pleaseth the kings Majesty be drawne And as to the good efect ther of I shall giue your Honner a full & perticuler acounte And shall be all ways bound to pray &c Very much Ingaged to your Honnor

William Harris

[Transcript from the original in the British Public Record Office, London, Colonial Papers, xxxiv: No. 61. See Sainsbury, *Calendar State Papers, Am. & W. I., 1675–76*, no. 533.]

37

Harris to Sheppard, 26 April, 1675.

Addressed: ffor his worthy ffriend M^r. ffleetwood Shephard * at his lodging in Privie Garden

Worthy S^r.

My very hearty thankes: for your great kindnes, to me a stranger, but your generous noble nature and dispozition, takes ocation by my defeat of Justice, to manyfest your self a louer ther of: & a delight to right wrongs, I doubt not, but you will: not with standing such as these croude in vpon you: take an opertunety to read, and concider what weight, is in the wrongs I complayne of, And in the reasons I render, praying: & hopeing, vpon y^e s^d ground remedy, I haue suffered great & long wrong, but can finde noe efectuall remedy (in new England) thoughe true it is, I haue had a vindecation of my right & my partnors, both by arbytration: & law (long since) but can get noe execution: of the Judment, the forcable enterors and detaynors haue soe confederated with others, theyr adherents, partnors: in interest, and kindered, that the inhabytantes are taken (by both sydes) as not fit to Judg (in y^e s^d Collony) nor can we get the former Judgment executed, being by force of armes openly rezisted, And our aduersaryes, pretend, that they rezist (and say) (they will) to death, vntill they haue had a tryall (as they pretend) acording as the Kings Commitionors promised them, when they came back from y^e eastward of Newengland, but came not all back, and now all dead, soe they keep our land by force, and vs out, and

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* Sir Fleetwood Sheppard (1634–1698) was a popular and influential attaché of the court of Charles II, into which he was introduced about 1664 by Lord Buckhurst, later Earl of Dorset, whose mistress, Eleanor (Nell) Gwyn he came to know so well that he afterwards served her as steward, a post he resigned to become tutor to her son, Charles Beauclerk, the son of Charles II. It is evident that he was in a position to advance Harris's business materially.

seek not the s^d^ tryall, And we (if we euer obtayne it) are forced to come three thousand mile, in y^e^ euening of aige, to seek a remedy, finding none other wayes, and though, our aduersaryes pretend, to such a title, seek not to proue it, And therfore, I am forced to come, and be soe troublesome to the king: by long petitions, and to my friends to obtayne an opertunety to haue them heard, which is most contrary to my dispozitiō, to be soe trouble some for small matters, but this, (thoughe my mite) is all my right wronged & lost vpon my aduersaryes groundes of clayme, If they get any, we lose all; S^r^. you may think it to be straing boldnes: to enter on, or detayne other mens lands, And soe it is, but stranger, to enter as I heard, one norton lately did, &c. but if doubt arise: whether such a thing be, as complayned of, I haue some papers may moue som credet ther of, And can any man immagin, I would run such Jeopardy: to come soe far by sea, or take such paynes, or vndergoe such Charge, & trouble, not only my self, but my friends, then which (if I knew how to help it) noe thing in y^e^ world more contrary to my dispozition, then to be soe trouble some, nor neuer goe I to law, for fiue, or ten pound, or such like matters, nor neuer was I arested, but for a supposed high treason against Oliuer Cromwell,* &c. vntill of late fallcly indicted by my aduersaryes, but found not guilty by the Country: And arested by my s^d^ aduersaryes, and when they haue done it, apear not to it, nor did I euer arest any man (but first, I offered to him, & them, arbytration,) but least it should be thought, y^t^ I am contentious, for all y^e^ fore sd, I say, this I pray, a proof, That if, the kings Majesty will be but pleased: to grant my petition, I pray it then vpon these groundes, to be of noe force, nor put in execution (viz^t^) If we haue not had a uerdict, & Judgment, and execution granted, & by them rezisted, many years. And that with others, we

* Harris had been charged by Williams with high treason in 1657; but the Assembly, when he was brought before them, was either unable or unwilling to decide upon his case. (See *R. I. Hist. Soc. Pub.*, i: 216; *R. I. Col. Rec.*, i: 361, 364.)

haue had two arbytrations, both awarding the land oures. And the sd Issues: to be tryed by such a Jury, as I petition for, who, if finde: y^t I speak fallce, then, y^t y^e Charge shall be payd by me only, And I imprisoned vntill I haue payd it. but, if it be proued true, y^t we haue had a uerdict, and Judgment, and y^e execution rezisted, And two awards of arbytrators, that y^e title to y^e s^d land is oures, then y^e sd order, or commition to be in force, and not otherwise. If y^e kings Majesty be pleased such to grant, noe other we desire. but S^r, least the kings Majesty should think, and your self allsoe, his order would not be obserued, by the Collonyes in Newengland, and soe the kings dishonnor, And the obiection may seeme to be, by the Massatusets former denyall of the kings Commitionors, &c. S^r. be pleased to take notice, that then, three of y^e s^d four Collonyes (viz^t) New Plimoth, Conecticot and Rhode Island Collonye did receiue the kings Commitionors, in uery weighty things, as to bounds of theyr Charttors, Allso then, they of Boesten: did offer to shew the kings Commitionors theyr proceedings, as Justefying them, as to one Porter yt comp[l]ayned against them:* to y^e kings commitionors; And, that they of Boesten did since, that time: receiue, & execute y^e kings writs derected to some of them; from all which, it seemes Reasonable, to belieue, that if the three Collonyes: receiued the kings Commitionors, as to theyr, or some of theyr, owne damages (by them supposed) doubtles rather when, and wherin: is none, or not soe much damage (supposed by them) to themselues; And if Boesten, would stand vpon theyr doeing of Justice, to y^e s^d Porter, & shew it to the kings Commitionors, by the like good reason: will at the kings command: doe Jus-

* John Porter, Jr., of Salem, a wayward youth, whose father was as a last resort forced to invoke police protection against the son's various breaches of the peace. Being committed to jail, Porter escaped and made his way to Warwick, where he found the Royal Commissioners—Carr, Cartwright and Maverick—who gave him an order, 8 April, 1665, requesting the Boston magistrates not to molest the youth until they could hear his case. The Massachusetts officials very naturally remonstrated. (See *Mass. Records*, iv: pt. 2, pp. 177, 195, 216–218.)

tice, and shew it to the king allsoe, as to our case, in such form & manor as pleaseth the king; And seeing they haue receiued the kings writs since, and executed the same; will allsoe execute the kings command agayne to doe Justice, between men & theyr neighbours.

More ouer, it being certayne, John Winthrop Gouernor of Conecticot, Josia Winslow Gouernor of New Plimoth, and William Codington Gouernor of Rhode Island &c will receiue and execute the kings Commition allsoe (if throughe fraylty any other* should otherwise a fact (which is not likely) for, if emulatiō, made some preach Christ out of envy, that did not out of good will, in a time of such danger, for preaching Christ as then was; how much more, make men shew all loyallty, for theyr owne safty: & prayes of well doeing, and reward therof.

All which concidered, how easyly will the kings command be obeyed

And therby y^e^ exercise of his Majestyes Authourety: more immediately enured.

And a way to his Majestyes after orders: prepared & prouided, to his Majestys pleasure: & peace, And his Royall interest maynetayned, without y^e^ leaste charge of his Majesty, and to his subiets safety; all which I pray God prouide,

Nor doe I doubt therof, for, it is not like but as hath bin, is, & like to be, y^e^ more men the more mindes, And all the weakest afrayde of the strongest, & will be wary of runing into dainger: with others (if others doe) and redy to receiue help from trouble, and for diuers other reasons, the liker to continew in peace, and loyallty, I presume not vn noted by yourself S^r^ Nor, can I immagine any rationall ground can be immagined, by any from any patent granted to any in New Englaṅd, to be exscused from answering to the kings writs, noe more then other Corporations in England, for thoughe New england be out: of the Jurisdictions of his Majestyes officers, as to boundes by the letter of the lawes of England,

* Massachusetts evidently is meant.

and theyr commitions, yet theyr grantes all are (vizt) to proceed acording to other of his Majestyes Corporatiõs in England, which are not to be exscused from answering &c, but all are vnder ye Authourety of his Majestyes Immedeat: or spetiall writ: & command to answer acording to law, and acording to the equity ther of; other wise the kings loyal subiects, may many wayes be grieued & opresed, vnder: & by fellow subjects, against theyr true & lawfull libertyes: they are by former kings granted, and his majestyes patents alowed, for, all the kings lieges there, by ye kings patents, are alowed ye preueledges of free & naturall borne subjects of ye kings in England, but, if denyed, the kings lawes & writs, & ye benyfit therof; and subjected to ye lawes of Corporations, reiecting ye kings writs & lawes, seems contrary to ye sd patents and the lawes of England, which sd authourety is not granted by any patent to any people in New England, And without ye sd patent haue it not, and for a corporation ther to make any lawes of death wher by the kings subiects come to be put to death, seems contrary to ye lawes of England, 3 chaī, i, i* in these words (uizt) if by ye lawes of ye land they had deserued death by ye same lawes & statuts allsoe they might & by noe other ought to haue bin judged & executed. therfore, it cannot be immagined: the king hath giuen some of his subjects, and theyr libertyes borne to, to other subjects, of other, or any, corporations; who may not make any lawes in dimminution of the kings prerogatiue 19 H, 7, 7. nor may forbid suit in the kings Courts, 19 H 7, 7. then, not to make lawes to excuse themselues for it, nor from his courtes; and in that the king hath granted Jurisdiction by patents to some in New england, and limited how, by ye sd patents it seems, moste vnlike, yt he therby hath loste, or giuen away all his Jurisdiction ouer them, nor can any vnbyased soe say. but as the ey (for fear)

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* There is a note in Harris's handwriting in his edition of the Statutes (see note on p. 107) "the 17 Cha 1, 14 ye Royall asent is put to this &c." The reference is to the act declaring unlawful "the late proceedings touching ship money."

some times will wink, to defend y^e^ tender sight: & light (thinking) danger, soe, the ey of the vnderstanding is tender, & some for fear (it may be to be lead blindfold) may think, to defend it from danger (when none is) but, I pray God keep vs in peace, of which I haue great hope, by y^e^ good prouidence of God will continew; I know many leading men in New England, very discreet & honnest,

The Gouernor of Conecticot, Winthrap a prudent moderate man, & y^e^ Deputy Gouernor Leet; the Asistants (some of them) Tollcot, Willes, Allen, Richards, the s^d^ wise men: all devoute for theyr Churches, the rest ther I know not; The Gouernor of New Plimoth Winslow, a uery moderate wise man, insted of a deputy Gouernor theyr eldest Asistant Allden, others ther, Hinkley, Bradford, ffreeman, Browne, Cudworth, pritty moderate men moste of them, the rest I know not; The Gouernor of the Massatusets Leueret, theyr Deputy, Simons, Asistants: Damporte, Hathorne, Broadstreet, Denison Gooking, Stoton, Clark. very devoute men for theyr Churches (y^e^ rest I know not) The Gouernor of Rhode Island, Codington, theyr deputy Easton, Asistants, Bull, Goold, Clark, Coggeshall, Trip, Harris, Allmy, Barton, some of them Called Quakers, some called Generalles &c. Each Collony hath a body of lawes, but they of Rhode Island theyr lawes: in most conformety to the lawes of England, & y^e^ moste toleration, there is diuers defferent vnderstandings, & all alowed, & as to y^t^ liue: in peace. next, moste sufferance of deffering vnderstandings: is at new Plimoth, where are diuers of them called quakers, & baptist allsoe, & there some what adhearing to y^e^ lawes of England, but some quakers & baptist at y^e^ Massatusets; but fewest at Conecticot, where they percecuted them least (except at Rhode Island)

The trade of y^e^ Country, is, building of ships, loading them out with fish, boards, timber, horses, beef, pork, butter, Chees, bisket, flower, pease, some woole, Iron, & leather from some partes; and with y^e^ fores^d^ prouitions & horses: supply the Barbadosse, Neuice, & such other, And the Country is very helthfull, and much replenished with people, & Cattell,

& uery many horses, soe many, yt men know not well what to doe with them; And in deed, noe thing soe wanting: as thanks to God, for soe many mercys, and of answerable conuersation therto: for soe great kindnes of God.

And kind S^r^, as to the fore sd discource: I am not willing any of my aduersaryes should take any aduantage against me (by my telling my thoughts of the kings Just authourety: ouer his subjects, by, & acording to his lawes, by y^e^ execution of any of theyrs (contrary therto) which if they doe, I may be a long sufferor, vnder it by them, before my petition be heard, & longer before granted (for redres of any such wrong) (if euer optayned) (if they need not answer to the kings writ) (nor his command), therfore, I pray you S^r^ let none know it, that will tell them (if it be possible to know them) for this I asure you, y^t^ one Wharton* a marchant of Boesten, vpon an information by him to the king, concerning what y^e^ duch did vpon y^e^ coste of New england, & how he conceiued it might be remedyed &c, y^e^ sd Whartton was taken as noe friend to New England, & his letters stoped y^t^ came from England: & taken vp at boesten: to see what was in them, & he caused them to be cryed: & soe founde them, he, tolde me; but howeuer, commending all euents to God,

S^r^ I pray bear with my rude speech I haue bin long in a willdernes from refined; besidse my rustique constitution, yet I am youres hearttely thankfull.

William Harris

26 April 1675

[Transcript from the original in the British Public Record Office, London, Colonial Papers, xxxiv: no. 59. See Sainsbury, *Calendar State Papers, Am. & W. I., 1675–76*, no. 531.]

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* Richard Wharton, a prominent Boston merchant, one of the Atherton purchasers, and later one of Dudley's Councillors. In the British Public Record Office there is a long letter from him, regarding the recapture of New York by the Dutch (Sainsbury, *Calendar, Colonial, Am. & W. I., 1669–74*, no. 1144; 24 September, 1673), but nothing answering to Harris's description.

38

Harris: Draft of Commission for Court to Try His Case, 26 April, 1675.

Charles The Second By the Grace of God of England Scotland France & Ireland King Defender of the fayth
Our Trusty and well beloued: John Winthrop Esquire, Gouernor of our Collony of Conecticot, John Leueret Esquire: Gouernor of our Collony of Massacusets, Josia Winslow Esquire: Gouernor of our Collony of Newplimoth, And William Codington Esquir: Gouernor of our Collony of Rhode Island and Prouedence Plantations &c, all in our Dominions of New England, we greet you well.
Know ye, That our will and pleasure is: to doe equall & euen iustice, to all our subiectes: neer and afar of, And we haueing receiued a complaynt: from one William Harris, of Patuxet & Prouidence of the Collony of Rhode Island &c, That thoughe he: & his partnors: wear the first our subiectes that purchased landes, and of the moste superior Indeans, in that part of the narroganset bay: & country, and all moste forty years since, and euer since ther in habited, and that after some long space of time: he and his partnors were molested by some of prouidence, but by Joynt arbytration: the sayd landes of Patuxet: Wear awarded his and his partnors landes. And after that, by an arbytration: to which our Collonyes of Massatusets: & Rhode Island &c consented, for y^e^ ending defferences of claime to the sayd landes of Patuxet, And that two arbitrators came from Massatusets, and two from Rhode Island, and all foure awarding: the sayd landes: to be the right of the men of Patuxet afore sayd.
And the sayd complaynant sayth, they, haue our grant of the sayd landes: perticulerly nomenated vnder our great seal: in our patent to Rhode Island &c.
And that yet not with standing: Forceable entryes ar made into theyr sayd landes, by diuers of the inhabitantes of the Towne of Warwick: ther next adioyne ing, And sayth, some

of y^e^ sd entryes haue bin made: about twelue years since, And that against some of y^e^ sd enterors: he & his partnors haue [ ]y years since) had a uerdict, and a Judgment of court, againste one John Harrud: [ ] those that holde with hime, who by force of armes, openly long since, and yet doe, Reziste the execution. and that y^e^ sd John Harrud, & those y^t^ holde by force with him, pretend, they soe hold: & Rezist execution, as being refered (the sd John Harrud sayth) by the collony of Rhod Island: to our Commitionors, when they wear in New: England: for a finall end of the sd defferences, and our sd comitionors saying, they had our more weightty matters in hand, but when they returned they would end it, but returned not, and therfore y^e^ sayde forceable detaynors pretend, that the sd defference is yet before vs depending: for a fineall Judgment, but the sayd complaynant sayth, that our court: of our Collony of Rhod Island, seeing our commitionors wear gon, and had noe opertunety to end that defference, commanded an execution of the former Judgment, which the sayd detaynors Rezist. Allsoe, the sd complaynant sayth, that two parttyes: out of our Collony of Massatusets haue entered: on some of his & his partnors landes, &c, though, our sayd Collony of Massatusets larger: then all the reste of our fore sd collonyes (viz^t^) one Captayne Hubard, and a partty with him: of the sd collony, And diuers persons with him: of our Collony of Newplimoth allsoe, And one John Towers, and a partty with him: of our Collony of Massatusets.

And one William Randall, & a party with him: some of them of our Collony of Newplimoth: whoe pretend title by purchase of Indeans* & haue entered, and (some of them)

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*Roger Williams, in a list of sixteen claimants to the lands of the Narragansetts, mentions "9. Capt: Hubbard & some others of Hingham & Rehoboth by purchase from y^e^ Indians. 10. John Tours of Hingham by three purchases from Indians. . . . . 13. Randall of Scituate & White of Taunton & others by purchase from Indians." (*Prov. Rec.*, xv: 164.)

aliened: & voyded, wher, our writs of Rhod Island runes not, and wher the complaynant sayth: he is prohibited to sue: by our collony of Rhode Island: by a law, vpon ye forfeiture of ye landes sued for, or if he should sue: in any of our sd collonyes, (before sd) (prohibited to doe) yet, by them cannot optayne Restitution (by our patents to them) (not contayneing the sd land)

And further complayneth to vs, that diuers others: of the towne of Warwick, neer ther to adioyne ing, And of the Towne of prouidence: neer ther to adioyneing on both sides: of Patuxet, haue under pretence of later purchases: pretended title to some of the landes of patuxet, who for theyr pretended interest, make theyr partyes: & adherents, throughe out our Collony of Rhode Island, and by theyr kindered: & abeters: to byas the inhabytance, soe, that if execution of ye former Judgment: could be optayned: which hither to could not, nor like to be, yet, among soe few people, (as are sd to be) in our sd collony, and kindered, & interest: soe generally: runing, & lying betweene the sayd parttyes, & in the sayd defferences: & claimes, that an impartiall Jury: cannot (lightly) be had: nor founde there.

Haueing heard: so great grieueance, soe long sustayned: & borne, out of our Fatherly care: & princely pitty, could not but prouide a mean, to inquire of the truth, and as it may be found: Redres the wrong, supposeing, soe long a jurny (in ye euening of aige) would not be taken, but by supposeing great wrong, and like need of Relief therin. and we being uery desireous: that our Subiectes (not only neer) (but afar of allsoe) should liue in safty of theyr landes: and goodes, as well as theyr liues.

Therfore, of our Espetiall grace: princly pitty, fathery care & compation, loue to Justice, & ye due adminestration ther of, Our Royall will and pleasure is, And here by we doe prouide, Constitute, ordayne, apoynt, Authourise: and Require, That all: & euery, of our constitutions, orders, & apoyntments, herein: & hereby, (after, to be giuen: & granted) shall firmly, and fully, be obserued, kept: done: & performed, by all per-

sons, herein named, or to be named, herein following, or by vertue here of, shall be named or apoynted.

And : our Royall will and pleasure is, for y^e^ ending of all : and euery y^e^ sayd defferences, betweene all : and euery y^e^ sd persons (as need shall require) exspressed : or implyed, to be of the sd deffering parttyes, or either of them, To prouid, constitut, ordayne, apoynt, Authourise, and Requir, a moste Impartiall court : & Jury, with full power, and authourety, in such maner & form, as here in after to be exspresed : or im plyed : To inquire hear & determine, all defferences, and Issues to be ioyned.

And our will and pleasure is, And we doe by these presents prouide, constitut, ordayne, apoynt, authourise : & require, our trusty & well beloued : Gouernor of our Collony of conecticot, that now is : or may be for y^e^ time being ; who may best know (in our sayd collony) the moste worthy, meet, and fitest quallefyed men, to doe us seruice, & theyr neighbours Justice, That he name : and apoynt : one of our sayd Collony, of the moste Juditious, worthy, unconcerned, an impartiall man there, to be one of our sd court (to be) to inquir here & determine (as further to be exspresed) And that our sd Gouernor : giue to such sd man an oath : as usethe to be giuen in such case, And that he soe apoynted take the same.

And that our trusty & well beloued : our Gouernor of our Collony of Massatusets, that now is : or for the time being, who may best know (in our sd collony) the moste worthy, meet men, & fitest quallefyed : to doe us seruice : & theyr neighbors Justice, That he name : & apoynt one of our sayd collony, of y^e^ moste Juditious, worthy, unconcerned, an impartiall man there, to be one of our sd court (to be) to inquire hear & determine (as further to be exspresed) And that our sd Gouernor, giue to such sd man an oath, as vseth to be giuen in such sd case, And that he soe apoynted take the same.

And that our trusty & well beloued : our Gouernor of our collony of Newplimoth, That now is : or for the time being, who may best know (In our sd collony) The moste worthy : meet men, & fitest quallefyed, to doe us seruice, and theyr

neighbours Justice, That he name: & Apoynt, one of our sd collony, of y^e^ moste Juditious, worthy, unconcerned, an impartiall man ther, to be one of our sd court (to be) To inquir hear & determine (as further to be exspresed) And that our sd Gouernor: giue to such sd man an oath: as useth to be giuen: in such case, And that he soe apoynted take the same. And that our trusty and well beloued: our Gouernor of our Collony of Rhode Island & Prouidence Plantations, &c, for the time being, who may best know (in our sd collony) the most worthy, meet men: & fitest quallefyed, to doe us seruice, & theyr Neighbours Justice, That he name: & apoynt, one of our sd collony: of y^e^ moste Juditious, worthy, unconcerned, an impartiall man there, (to be) one of our sd court, to be, to inquire hear and determine, as further to be exspresed, And that our sd Gouernor, giue either an oath: or an Ingaigement: to such sayd man, acording as is used: in such sd case: in our sd collony, and as by our patent: we haue endulged them, And that he soe apoynted: take the same oath or ingagement. But for as much: as mortallety, sicknes, and diuers in-firmetyes, incident to men, may Impead: either of our sd Gouernors: soe as not to be able to performe, acording as by these presentes is: & is to be prouided, & Required: with the moste conuenyent speede,

Therfore, our will and pleasure is, And by these presents prouide, constitut, ordayne, apoynt, Authorise: & require, That if it should soe come to pas: that any: or either: of our foure fore sd Gouernors, for the time being, be at any time hindered: or disabled, soe, as cannot: & doe not performe & doe, as by these presents: is, & is to be Required, that then: in all: & euery such case: or cases, each of our Deputy Gouernors: in our sd collonyes, for y^e^ time being Respectiuely: shall haue, and haue: power & Authourety, and required here by, to doe & performe, all, or any of those thinges, our sd Gouernors: or any, or any of them: are, or are to be, here in: by these presents required to doe, and shall be of like force, and efecte: to all intents what soeuer.

And for as much as like hinderances: may impead: such, or

some of such, as may be: of our court (to be) to inquire here and determine y^e^ fore sd defferences, and the more like: by reason of distance of places, and yet: to come to gether to one place, And we being willing: to prouide Remedyes; against all hinderances.

Our will & pleasure is, and by these presents prouide, constitute, ordayne, apoynt, Authourise, & require. That if any: or either: of our sd court (to be chosen) by any means hapen to be hindered, soe, as at y^e^ sd court (to be) ther apear but three of the foure (to be apoynted) that then, our sd three: shall be, our lawfull court, to all intents herein: by these presents. And y^t^ two of y^e^ three agreeing, in any matter or thing, as to proceedings: in our sd court, about any matter: pertayn ing to theyr inquireing hereing & determineing, as to y^e^ sd defferences, or in Judment, or Judgments ther of, or ther about, or in any matter or thing what soeuer, pertayneing to a court to hear & determine, to doe, two, of y^e^ sd three, shall haue full authourety: & power, of our sd court (to be) and to giue a valled: & lawfull Judgment, or Judgments, vpon y^e^ verdict: or uerdicts to be brought in, when brought in, by y^e^ Jurye or Juryes, herein: & here by, (after to be apoynted)

And for as much as y^e^ parttyes concerned in the sd defferences (as is complayned) some times inhabit: or are, in three of our sd collonyes at y^e^ least, and supposed, may shun apearance: at our sd court (to be) and as Issues, may be founde by the Jury: or Juryes, Judgments giuen, and costes and damages awarded, some may flee from sumons, atachments, & executions, out of, or into, any of our sd collonyes (if not prouided against)

Therefore, our will and pleasure is, And by these presents prouide, constitut, ordayne, apoynt, Authourise, & Require, That upon complaynt, by any of the persons concerned, in the fore sd defferences, to any one of the foure fore sd (to be apoynted) (to be of our court) he, or any of them, shall haue by these presentes Authourety: & power, to giue out sumons, & shall giue out sumons, into any of our foure fore sd collonyes, Requireing him: or any of them: in our name to make

his or theyr apearance: at our sd court, to be, &c. And like wise, as need shall require, to send out atachment, or atachmentes, of persons, goodes, cattell, or chattells into any: of our foure fore sd collonyes, And to constitut an officer to execute ye same, And to imprison, any such person: or persons, that doth not apear vpon sumons, nor will not giue securety for his or theyr apearance, as the case requireth, in any of our Goalles in either of our sd collonyes, untill ye next our fore sd court to be, as soone as conuenyently can be.

And least any of our fore sd court herein required (as afore sd to be) should be defeated, by death of any of them, or other debillety, and soe the defference remayne: unended, our will & pleasure is, and we doe by these presents prouide, constitut, ordayne, apoynt, authourise, & require, That if any: or either: of the fore sd foure: to be apoynted, to be our sd court, after they are apoynted, or either of them, or after apoynted and sworne, or after apoynted & sworne or ingaged, to such sd place & trust doe dy, or fall into any utter in capassety to performe such sd trust, that then, in any, or either of our sd collonyes (wher such sd fayler happeneth to be) (and as often as need shall Require) our Gouernors of our sd collonyes for ye time being, or either of them: shall name another: or others, or if either of them our sd Gouernors be disabled as afore sd: then ther our Deputy Gouernor shall name another, or others: of our sd collony: or collonyes, of the moste Juditious, worthy, meet, & fitest quallefyed man, or men ther, and shall giue an oath to him, or them, as afore sayd, and, that he & they, take the same, And that our Gouernor of Rhode Island, &c, for the time being, wher if: and as often ther: as such fayler happeneth to be, shall name & apoynt another ther, of the most Juditious, worthy, meet, fitest quallefyed, unconcerned, unbyased man. And shall giue him his oath: or ingagement: acording to our patent to them, &c. And which sd man: or men, shall take the same.

And that all thinges: may be done with ye moste equity, and (wher it may be) with ease all soe, And for yt ye sd landes lyes some what equally distant: from each Collony (or partes ther

of) And some certayne place in conuenyent time: is needfull to be knowne with speed, to sumon persons concerned, to apear at (uiz^{t}) the deffering parttyes far remot from each other, witnesses, and Jurors allsoe, And yet, moste meet: our sd court (to be) apoynt y^{e} sd place,

And therfore, our will & pleasure is, that our sd court: with all conuenient speed: after they are nomenated & as afore sd, That they nomenat & apoynt the place, where they intend to hold our sd court (to be) that persons, timely, may thither be sumoned, ther concerned.

And as we haue prouided a mean for, giuen authourety to, and required of, our Juditious court (to be) soe we intend to prouid a prudent, impartiall Jury, to try the Issues, to be ioyned: betweene the proprietors of Patuxet, and all parttyes: & persons, concerning title to, and trespas on, the sd land, and as neer as may be, that our subiectes, in our sd collonyes may see: we are willing they should inioye: like equall iustice, with our subiectes of our realm of England, and in like maner, and acording to the equity of proceedinges in law here, proceedinges there, should be, as to tryall of titles: to the sd landes of Patuxet. Therfore know, that our will & pleasure is and by these presentes prouide, constitute, ordayne, apoynt, authourise: and require, our trusty: and well beloued, our gouernor of conecticot for the time being, That he apoynt: how many, prudent, impartiall men, be taken out of conecticot collony, and how many out of massatusets collony, and like wise how many out of Newplimoth collony, and proportion as equally as may be, the number to be taken out of each, acording to the number in each, The whole number to be taken out of the sd three collonyes, to be fortty and eight prudent impartiall men. (but in the defferences between the sd patuxet men: and others of our collony of Rhode Island, as to title to, & trespas on, the sd land, they ther being growne: soe into partyes (as afore sd complayned) ther fore, noe Jurors ther to be taken, in the sayd case, except both partyes willingly consent, and: (to the persons if taken allsoe.) And when, our sd Gouernor of conecticot, hath nomenated the sd

numbers, and made knowne y^e^ same, to our Gouernors of Massatucets, & newplimoth, (as by these presentes is required he shall) our will and pleasure is, and by these present prouid, constitut, ordayne, apoynt, Authourise, & require, That our sd trusty: and well beloued Gouernors: for the time being, each of them, in our Respectiue colloynes, where they are gouernors, shall by name apoynt, each such sd number, of the moste prudent, unconcerned, impartiall, unbyased men, to make up the forty and eight. And that then, each deffering partty, or theyr aturnyes: upon request: to the sd our Gouernors, shall haue the knowledg of the names, of the sd forty and eight men, against any of which, they may haue theyr resonable challenges of fauor, at the discretion of the sayd Gouernors, And soe many as challenged by y^e^ parttyes & alowed, by our sd Gouernors, or either of them, shall allsoe by them, be supplyed, to resonable satisfaction of each partty, or theyr aturnyes. And that then, each of our sd Gouernors, shall take out of the sd number, soe many of the moste prudent, unconcerned, impartiall unbyased men, as acording to proportion set before: will make twelue, for a Jury to try the sd issues, out of each collony proportionablely. And that noe meanes: may be used, to byas the sd twelue iurors, our sd Gouernors shall conseale the name of the sd twelue, untill, uery neer the time of tryall, and then to be apoynted by our sd Gouernors (the sd iurors) to be at the sd time & place (to be apoynted) as afore sd.

And our will & pleasure is, & by these presents doe further prouid, & ordayne, That our sd court (to be) doe see (if the partyes cannot agree) what iust, & lawfull issue, or issues to ioyne, that then, our sd court shall state, iust, lawfull, and honnest issues: betweene them, to be tryed by y^e^ iury. And least some of the sd iurors, should fayle of apearance, by neglygence. our sd court shall asses reasonable penaltyes, for any of theyr neglectes, And shall supply theyr roome: or roomes, by the moste impartiall men (that may be had,) & as neer as (may be) to the satisfaction of both parttyes. And further more to prouide, for the doeing of equall iustice: & right be-

tweene y^e^ sd parttyes (viz^t^) Patuxet men: & all those within the collony of Rhode Island, &c, that deffer with them: as to title of landes, or trespas ther on, And concidering, we haue endulged the sd collony: with respect to theyr remotnes, and defferent understandinges, to some of our proceedinges in our Realm of England; as other of our Subiectes in new england are, in some thinges (of like nature) and the lawes of the sd collony being acordingly, with respect to witnesses, as to tryalls of title of landes, & all other cases, and that ther (as the complaynant afore sd sayth) neuer lightly is vsed an oath, but insted ther of, an Ingagement: vpon y^e^ penallty of periury to speake the truth, or suffer such penallty: as for fallce swearing, & acording to which, diuers testamonyes haue bin taken, as to y^e^ fore sd defferences, & without such form: & manor of witnessing, witnes to matters in y^e^ sd collony, can selldome be had, for that but few ther, will take an oath (as we are informed) by which way of witnessing, acording to y^e^ law & proceedinges of our sd collony, neither of the sd parttyes, can be unequally delt with, for that themselues: haue bin ayding to, or enacting of, the sd lawes, (as the sd complaynant sayth) In concideration of the fore sd, our will & pleasure is, and by these presentes prouid for, constitut, ordayne, apoynt, authourise, & Require, That our sd court (to be) shall admit all parttyes in y^e^ sd defferences, fayrly to plead, shew, & set forth theyr titles to the sd land, and by the lawes of our sd collony, to proue theyr sd titles (not being contrary to our lawes of our Realm of England) but agreeable to our patent, And that ye Jury shall proceed as to theyr verdicte, acording to our sd patent, within the boundes ther of, & ye lawes ther by, (and not contrary to our lawes of our Realme of England) as other iuryes, in other our collonyes, giue theyr verdictes, acording to y^e^ laws of such other our sd collonyes, And upon y^e^ uerdict, or uerdictes giuen in, by such sd iury, or iuryes, in the sd case, our sd court shall acordingly: (agreeable to our lawes of our Realm of England) giue Judgment ther on, & grant out execution therof, & cause it to be executed, but, in easy maner (if not rezisted) but if rezisted: then

our sd court shall haue, & hath power hereby, to giue authourety, and shall giue authourety, to an officer constituted by themselues, to rayes suffitient strength: at his discretion, in either of your foure fore sd collonyes: or all of them, And to imprison ye rezisters, in any, or either of our comon goalles, in our fore sd foure collonyes, & to proceed againste them, acording to our lawes, in such case prouided, And to put the person, or persones, in full possession, whose Right it is found to be, by such fore sd fayre tryall, verdict, & Judgment, and award iust costs & damages And for as much as Justice is the mayne matter hear in intended in all thinges here about to be acomplished & efected & therfore like needfull prouition to be made to acomplish ye same & concidering ye distance of places & ye frayltyes incident to human nature & ye long dependance of ye fore sd defferences Therfore our will & pleasure is & by these presents prouide, constitut, ordayne apoynt, authourise, & require that if any of our fore sd court (to be) should fayle after chosen & apoynted, or after chosen apoynted & sworne, or after sworne or ingaged (as afore sd) or yt by some (as yet) unknowne neglect or hinderance in any one of our fore sd foure collonyes should happen not to be chosen any one of our fore sd court (to be) That then ye other three chosen as afore sd shall be our lawfull & suffitient court to hear & determine to all intents afore sd Or, if it should soe come to pas that all the fore sd Jurors: in any one: of our fore sd three collonyes (wher before apoynted the iurors to be taken) should by any (as yet) unknowne neglect, or any hindered, soe, as not apoynted to, nor doth not apear at our sd court (to be) That then, our fore sd court (to be) by these presents shall haue: & then haue: full power & authorety to nomenate, apoynt & require, and shall require, soe many worthy, prudent, indefferent unconcerned unbyased impartiall men for iurors, as shall make up ye sd number of twelue, to try ye sd issues (to be ioyned) as to ye fore sd defferences, in, or out of, any, or all, our fore sd three collonyes; (or any out of the other fourth (as afore sd prouided) (by consent of ye deffering parttyes) And yt our sd court alow reasonable challenges (of fauor at

theyr discretions) If any of them be challenged, (and by our court seene cause to alow it) then by our sd court ye iury to be made up, to reasonable satisfaction of ye parttyes (at our sd courtes discretion)

And yt our sd court shall giue oath to ye sd iurors by uertue of these presents, and yt they ther by shall take ye same, prouided all soe, if any be taken for iurymen, by ye concent of ye deffering parttyes, out of ye collony of Rhode Island, &c, (as afore sd) then ye sd shall be sworne or ingaged by our sd court: acording to our patent to our collony of Rhode Island, &c, and such sd iury shall be a lawfull iury to all intents by these presents whatsoeuer. And for as much as our court afore sd (intended) to redres ye wrong, should not be opressed nor grieued ther by, by whomesoeuer ye wrong be done, & founde by ye iury (to be) and iudgment giuen ther upon: shall pay to our sd court, or shall by uertue of these presents be distrayned, or taken by execution: of him, or them, founde ye ofending person, & persons: theyr goodes cattell, or chattells, to such uallue as shall amount to such sum: that each of ye foure of our sd court (to be) (and ther) shall haue the uallue of four shillings starling mony for each day, he, & they, are about ye sd matters to inquire hear & determine, from ye time he & they come from theyr homes, untill they be thither returned agayne (by vse all time)

And yt iustice & right may be done, to all men ther about, & noe man be opressed by his neighbors faultes, nor bear the charg of an other mans wrong doeing, therfore, our will & pleasure is, & by these presents prouide constitut ordayne apoynt authourise & require, that our sd court (to be) shall set such sum: as shall be Just for ye Jury, & witnesses, concidering theyr time: & trauell, and charge. And all other necessary coste, charg, & damag sustayned by any one: & euery one, in ye sd defferences, and againste whome ye verdict shall be founde: & ye Judgment be giuen, shall all ye costs charges & damages be payd, acording to law & Justice, And that we may know, what wrong hath bin done, and what cause of com-

playnt, and ye redynes of our gouernors: & court afore sd (to be) to inquire of wrongs: & trespases, & hear & determine, acording to right law & Justice, as afore sd, Our will & pleasure is, & by these presents Require, that our fore sd Gouernors: & Court (to be) when ye sd defferences (as to ye mayne matter) hath bin inquired, heard, & determined, that then (in conuenyent time) they send to us the tenor of ye same. And for as much as the rights (by law) not onely of one man but all men not onely of fathers but theyr posteretyes all soe should be vindecated & mayntayned & that all our loyall subiects may liue in surety of theyr landes concerned in ye sd contrauercyes And for as much as ye fore sd complayneant & our petitionor is aiged and hath a long vioyage by sea home ward & ther by incedent to many dangers And sayth (implicetly) his life hath bin threatened to be taken away by his aduersaryes though hither to by Godes prouidence preserued against theyr seuerall contriuances; Therfore our will & pleasure is & by these presents prouid for, constitut ordayne apoynt authourise & require That if our petitionor dy in his vioyage or Journy home ward or caste away by sea, or any way: or wher, slayne before any or all ye sd defferences are ended That then the heir or heires of him: & each of them, shall haue like proceedings & remedy by these presents and all & euery of them acording to all thinges contayned herein concerning ye sayd defferences to all intents there of as if our sd petitionor wear liueing & his partnors to ye full & finall end of all ye sd defferences

And for as much as like danger is incident to these presents by sea or land by fire or water or may be eloyned or embezeled & diuers wayes miscarry. Therfore our will & pleasure is & by these presents prouid constitut ordayne apoynt authourise & require yt ye the exemplification here of shall be of ye same force & efect in ye law to all intents here in what soeuer as these presents are, or may be, to him, them, & to ther heirs, all soe shall be

[Transcript from original in the British Public Record

Office, London, Colonial Papers, xxxiv: no. 62. See Sainsbury, *Calendar State Papers, Am. & W. I., 1675–76*, no. 534.

This document is in the handwriting of William Harris.]

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HARRIS'S ACCOUNT OF NEW ENGLAND, 29 APRIL, 1675.

Endorsed:—An Account (taken frō Mr. Harris) of New England, Aprill 29, 1675.

New-England.

Aprill 29. 1675.

The Number of People there, Mr Harris sayes, he knowes not certainly, but judges yt ye number of men bearing Armes may amount to 7. or 8 thousand foot, and about 8. or 10. Troops of Horse, each Troop consisting of between 60. & 80 Horse.*

As to ye Number of ships, he sayes they build every yeare about Boston, Salem, and in yt Jurisdiction 12. ships between 40. and 80. Ton,† that he came over in a ship built

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* This estimate was undoubtedly far more correct than that of 16,000 arm-bearing men, as given in the anonymous "observations" sent over to Randolph, 20 March, 1676, or than the extravagant computations of Cartwright in 1671 and Randolph in 1676. (See Palfrey, iii: 36; Hutchinson *Collection of Papers*, p. 485; *Prince Soc. Pub.*, xxvi: 199.) Andros estimated in 1678 that there were in Connecticut about 3000 freemen able to bear arms, in Rhode Island 1000 or 1200, in Plymouth 1000 or 1500, and in Massachusetts 8000 or 10,000. (*Idem*, xxvi: 301.)

† The anonymous "observations" on New England of 20 March, 1676, (*Prince Soc. Pub.*, xxvi: 199; Palfrey, iii: 303, who assigns the date 1673) assert that "there are 12 Ships of betweene 100 and 220 Tuns, 190 of betweene 20 and 100 Tuns, 440 Fisherboats, of about 6 Tuns each." Randolph writes to Coventry, 17 June, 1676, that "for these 7 last years Communibus Annis they have lanched 20 Ships Some of 100 Tuns & some under;" and in his Report of 12 October, 1676, he says "There are built in and belong to that jurisdiction 30 Vessels from 100 to 250 Tuns, 200 from 50 to 100 Tuns, 200 from 30 to 50 Tuns, and 300 from 6 to 10 Tuns." (Hutchinson, *Collection*, p. 496.)

there of 200 Tuns, & carrying 14. Guns. The Fisher-boates he knows not y^e^ number of, y^e^ Fisheing Trade being more Easterly than where he lived, He sayes there are never fewer than 2. men in every boate, & generally 3. or 4. men. The greatest Fishing is about Puscatoa. Eastward frō Rhode Island Colony, where he lived. The Fishing is in Codd, Haddock, & Mackarel, w^ch^, he sayes, is very great, & is thence transported into y^e^ West Indyes, as to Barbadoes, &c. to Spaine & y^e^ Streights.

Iron-workes, he sayes, there are 3. or 4. but never heard that they cast any Guns there, though they have many in y^e^ Country, where on y^e^ sea-side he has seen some 3. yards & a halfe long. These Guns are most about Boston, in y^e^ Fort whereof (wch is on y^e^ Sea-side, & by w^ch^ all ships must passe) he has been told there are above 20. Guns, besides what are planted on y^e^ Bulwarke neare y^e^ Town. In these Iron-workes they formerly cast Iron pots to boyle meat in &c:

The Merchants, he sayes, seeme to be rich men, & their Howses as handsomely furnished, as most in London.* In Exchange of y^e^ Fish, Pipestaves, Wooll, & some Tobacco, w^ch^ is exported thence, they have frō Spaine, Portugal, & y^e^ Islands, Wines, & other y^e^ Commodityes of those Countryes. Their Wooll they carry to France, & bring thence linnen. To England they bring Beaver, Mouse & Deer-skins, Sugar & Logwood, & carry frō hence Cloath, Iron-wares, as Nailes, Locks &c. To Barbadoes they carry Horses, Beef, Pork, butter, Cheese, flower, Pease, biskett &c. & frō thence have Sugar & Indigo; And when they trade to Jamaica, as they doe some times, with Provisions, they bring home pieces of 8/8, Spanish Plate, & Pigs of Silver. Their Money is of pretty good Silver, in

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* The "observations," as above: "There bee 5 Iron-Works, w^ch^ Cast noe Guns 15 Merchants worth about 50,000^li^, or ab^t^ 5,000^li^, one with another. 500 persons, worth 3000^li^ each." See also Randolph's Report in Hutchinson, p. 485–486.

y^e^ middle of it is a Pine-tree (w^th^ w^ch^ the Country abounds, & of w^ch^ they make Tarre & Pitch). The valuation of their Silver is but 3. or 4. sterling money, & a New-England shilling is but 9^d^ sterling The Pieces usually currant are only, 2^d^, 3^d^, (4^d^ they have none) 6^d^, & shillings.

With this Silver they are wholly supplyed frō Jamaica.

The Howses in Boston, he sayes, are of Brick, & ordinary Stone, but most of Timber, some are 2. & y^e^ most but 3. storyes high.* The Town it selfe is very large, & scituate upon a neck of Land, surrounded w^th^ a great Salt-river, only to y^e^ Land ward there is an Entrance into y^e^ Towne of about 40 Perches large, over a low-salt marsh & w^ch^ is sometimes over flown by y^e^ Sea, & where they may cutt a River. They have 3. Meeting Howses, sett round w^th^ Galleryes, & very full, Each Meeting-Howse is as large as an Ordinary Parish Church here. The Country-Howses are generally of Timber; in Rhode-Island y^e^ Howses are very good, especially at a Town called Newport in y^t^ Colony, w^ch^ thrives very well, & where are more sheep than in any place in New-England,† y^e^ Haven is very commodious, being situate just upon y^e^ Sea, whereas y^t^ of Boston is 2. or 3. leagues w^thin^ y^e^ Land, and is large enough for 100. ships.

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* "Observations," as above: "No house in New England hath above 20 Rooms: Not 20 in Boston, which have above 10 Rooms each. About 1500 ffamilies in Boston. The worst Cottages in New England are lofted." Randolph in his Report says: "The town [of Boston] contains about 2000 houses, most built with tymber and covered with shingles of cedar, as are most of the houses in the country, some few are brick buildings and covered with tyles." See also Josselyn account of 1663 in his *Two Voyages*, p. 162; and that of the Commissioners in 1666 in Hutchinson *Collection*, p. 421.

† The Royal Commissioners reported in 1666 that in Rhode Island was "the best English grasse and most sheep, the ground very fruitfull, ewes bringing ordinarily two lambs." (Hutchinson *Collection*, p. 416.) William Brenton alone in 1673 owned over 1500 head of sheep (Austin *Geneal. Dict.*, p. 254), and William Coddington was also a large sheep-raiser. (*4 Mass. Hist. Soc. Coll.*, vi: 319, vii: 279.)

This Island is about 12. miles long, & 2. broad, & ye Garden of New-England. There is a good Harbour likewise in ye Jurisdiction of Connecticut, called New-London, but ye Town nor Trade are not as yet considerable, though very commodious.

Rivers, he sayes, he knowes none there that are navigable, but that of Connecticut, he not having seen Puscatoa, The Country is so well provided with Waters, that you can hardly passe a Mile, or two, wthout some River, Pond or Brooke.

The Islands, he knowes not ye certaine number of. In ye Jurisdiction of Rhode-Island is one Blocke-Island, wch was first inhabited about 7. yeares agoe, there is excellent fishing for Codd round about it, only it wants a Harbour. The Colonyes of Plymouth, Connecticut & ye Mattatusets, are in a Confederacy or Union, by vertue of certaine Articles, but Rhode-Island is not, for wch reason ye former are called ye United-Colonyes.

The Soldiers, are all of the inhabitants, none being hired, they exercise often & well, their Horsemen weare buff-Coates, pistolls, Hangers, & Croslets. Every Soldier beares his own Charges, unlesse in time of Warre wth ye Indians.* All men yt are able beare Armes, except some few Anabaptists, & ye Quakers, who will not beare any.

The Governours are chosen by all ye Freemen. The present Governour of Boston, is one John Leverett, a resolute man, but much opposed by one Major Dennison; the Election is yearly, though he has been Governour these 3 yeares, ever since Mr Bellingham dyed. The Governour of Connecticut-Colony is one John Winthrap Senior, a

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* Randolph, in his Report, enters quite fully into the question of militia organization. The "observations" say that "not above three of their Military Men have ever been actual Soldiers, but many are such Soldiers as the Artillery men at London"—an evident reference to the Ancient and Honorable Artillery Company of Boston, which still maintains the traditions of its two hundred and sixty-four years of service.

very good sober man, he has been Governour neare 20 yeares, & about eleven yeares agoe gott a Patent of his Maty. The Governour of New-Plymouth is one Josiah Winslow, a moderate man, the Laws of this Colony come nearer ye Laws of England than either those of ye Mattatusets or Connecticut. The Governour of ye Colony of Rhode-Island is one William Coddington, a Quaker, ye Lawes of England are pleaded here, and take place. The Governour here has only a single vote, At Boston if ye number of votes happen to be equal, the Governour carryes ye matter by his.

Of ye Ministers, The most Tyrannical to those yt differ frō them are ye Presbyterians, and amongst thō ye fiercest is one Mr Thatcher,* ye only man in ye Country yt keeps a Coach. Much ye greatest part of ye Ministers are Presbyterians, Anabaptists & Quakers in respect of thē are very few, in Rhode Island-Colony ye Quakers & Anabaptists, rule, as being much ye greater numbe[r.]

There is also a considerable Party in all ye Colonyes called Common Protestants, who in ye Mattachusetts are not permitted to beare any High Office, as Governour or Assistant, but may be Constables, but in Rhode-Island they enjoy ye same Priviledges as ye other Inhabitants. In ye Mattachusetts, at a Town called Cambridge, about 3. miles frō Boston, is a Colledge, where many Preachers, Physitians, & Indians (but no Lawyers) are bred.† The said Colledge has translated ye Bible into ye Indian language, And in ye Mattatusetts there are 3. or 4. Churches or Congregations (as they are called) of Indians, who are likewise called Praying Indians, & distinguished frō the others in Rhode-Island, who continue unconverted in their Paganisme.

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* Thomas Thacher (1620–1678) was the first minister of the Old South Church in Boston.

† Similar descriptions of this college are in the Commissioners' Report of 1666 and in Randolph's Report of 1676. (Hutchinson *Collection*, pp. 421, 501.)

A Fenceing Schoole there was formerly in ye Mattatusetts & Rhode Island, but whether there is any now Mr Harris knowes not.*

Gameing is not allowed in ye Mattatusets.

As to Cloath, There are made there Linsey Woollseys, & others of Cotton & Wooll, & some all Sheeps-wooll, but ye better sort of Linnen is brought frō England. They have many Wool combers, Spin their Wool very fine, of wch some make Tammyes, but for their own private use.

Salt they have frō a Place in ye West Indyes, called ye Salt Tortudas, uninhabited, & wch is not farre frō Barbadoes. The People who trade to Barbadoes goe & take in Salt at ye Tortudas, made by ye Sun, the Sea overflowing some part of yt Place. It is sold in New England in time of Peace at 10s. ye Hogshead, it is cleare & as white as Allom, but very sharp, & much stronger yn ye Ordinary bay-salt.

Oathes in Rhode Island Colony the Inhabitants, unlesse they please, take not any, (Quakers-there, as in England, peremptorily refuse thē.) only an Engagement (upon ye penalty of Perjury) to performe such Office, or to give true Testimony, wch if they doe not, they suffer as if for false swearing. The forme of ye Engagement is this, You here promise to speake ye truth, or justly to performe such office, upon ye penalty of Perjury. The Oath of Allegiance is to ye effect of yt taken ordinarily in England, to be loyal & obedt to ye Kings Maty &c. but ye Oath of Supremacy, as to ye Kings being head of ye Church, differs frō yt wch is administred in England.

[Transcript from the original in the British Public Record Office, London, Colonial Papers, xxxiv: no. 66. See Sainsbury, *Calendar State Papers, Am. & W. I., 1675–76*, no. 543.]

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*The "observations," as above, say: "There are no Musitians by Trade. One Dancing Schoole, was set up, but put downe. A Fencing Schoole is allowed." There is a close similarity between the heads of this report, of Randolph's Report, and of Harris's Account.

40

Harris to the King, 11 June, 1675.

Endorsed by Andrew Harris:—A Coppie of William Harris Petitione to his Ma^tie

To the Kinges most Excellent Ma^tie The humble Petition of William Harris of New England humbly sheweth:
That wheras your Petitioner and twelve others neere forty yeares since purchased of the indian Princes a certaine parcell of land called Patuxet which they injoyed peaceably for severall yeares which though afterwardes claymed first by the Towne of Providence, and then by the English Collony of the Massachusets was still adjudged theirs, And that they might injoy the same more peaceably bounds were set therto, and some parts thereofe exchanged by Arbitrators as is recorded in y^e Court of o^r Colloney of Rhoade Island & Providence Plantations yet Notwithstandinge John Harrud and a party with him have forceably entered upon part of these landes (after your Petitioner and Partners had injoyed them above twenty yeares) upon pretence of purchasinge the same of other Indians, and still houlds them ag^st verdickt, and judgement of the Court resistinge Execution, And not onely so, but in regard Patuxet boundes, and is neer unto severall Townes and Collonyes, Your Petitioner & his partners are in no small danger to bee deprived of their right by severall of them more especially some of y^e Townes of Providence Warwicke and New Plimouth and two parties of the Massachusets Colloney,

Wherfore your Petitioner humbly prayes that your Ma^ty would graciously please to Comaund the Governors of the four Collonyes & their deputies in New England to take care that speedy justice bee done your Petitioner and Partners by hearinge the Cause themselves, or apointinge such as are just and able men to heare the same, and together with an upright jury equally chosen out of the respective Collonyes to determine all differences concerninge these landes of Patuxet or

what other way your Majestie shall in Your Princely wisdome thinke meet that Justice bee done us,

And Your Petitioner shall ever pray &c*

[Cushman Papers.]

41

Harris to the King, 11 June, 1675.

To The Kinges Moste Excellent Majesty moste humblely Shewing

That your petitionor, William Harris, a weary traueler for the space of allmoste forty years in the willdernes of new England, and one of the first Englishmen that purchased land of the moste Superior Indeans in the Narroganset Bay, and country, and inhabited ther wher and which (now is) part of the Kinges Majestyes Collony of Rhod Island &c, And your petitionor and his partnors (in the sayd land) (called patuxcet) of a long time inioyed the same in peace,

But in after time diuers persons and partyes some of the fore sayd collony, others of the massatusets collony, and likewise of Newplimoth Collony vnder pretence of other late purchases of Indeans, haue entered vpon our fore sayd landes: Againste some of the sayd pretended purchasors your petitioner and his partnors haue had suites and arbytrations by which the sayd landes haue all wayes bin founde, Judged and awarded your petitionors and his partnors landes

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*This petition was presented at a meeting of the King in Council on June 11 and referred to the committee for Plantations (Sainsbury, *Calendar State Papers, Am. & W. I., 1675-76*, no. 585). The committee met on August 4 and heard the Lords' report of William Harris's case "all drawn up in a letter proper for his Majesty's signature, which his Majesty approved of, and ordered to be prepared by Mr. Sec. Williamson, and sent to the Governors in New England." (Minutes of the committee in Sainsbury, *Calendar, etc.*, no. 631, 632.) The copy of this letter sent to Connecticut is printed in *Conn. Col. Rec.*, ii: 586.

Yet the sayd pretended purchasors againste the sayde Judgementes and awardes, Still continew to hold by force and subtillty that your petitionor and his partnors can optayne noe remedy; And some of them that enter by force of the massatusets and Newplimoth can and doe enter and voyd wher the Kinges writs of Rhod Island runes not, soe that by noe means can optayne remedy, but that our soe long Just rightes are like to be defeated, Your petitionor therfore prayeth, your moste Excellent Majesty, to grant power to some knowne, Just, wise men in New England to hear and determine all the sayd defferences by a spetiall assise

[Transcript from the original in the British Public Record Office, London, Colonial Papers, xxxiv: no. 86. See Sainsbury, *Calendar, State Papers, Am. & W. I., 1675–76*, no. 586.]

42

Harris to the King, 11 June, 1675.

To The Kings Moste Excelent Majesty moste humblely Shewing

That your petitionor A weary traueller for the Space of almoste forty years In the wildernes of New England And one of the first six persons* that purchased land of the moste Superior Indeans in the Narroganset Bay and Country and inhabited there wher and which (now) Is part of The Kings Majestyes Collony of Rhode Island And prouidence plantations by patent from your maiesty which sayd land purchased &c is called patuxcet by the Indeans and English ther And in the Kings patent to the sayd Collony.

And your petitioner and his partnors possesed y^e^ same in peace

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*The six "first-comers" to Providence were Roger Williams, William Harris, John Smith, Francis Wickes, Thomas Angell and Joshua Verin. (See Arnold, *History*, i: 97; Field, *Rhode Island*, i: 24.)

for many years vntill some neer dwellers vnder pretence of an after purchase of the Indeans molested vs But y^e^ sayd defference being refered to Arbitration Joyntly. The award concluded y^e^ sd land your petitionors & his partnors

Some years afterward some of our partnors subiected themselues & lands to the Jurisdiction of the Massatusets (wher of Boesten is y^e^ chief Towne) And ther (by suit) demanded y^e^ sd land &c, our Evedence of the same lands (being formerly commited to y^e^ sd demandant to keep) part of the sayd Evedence was cut out: and peiced together on another paper,* But your petitionor being confident of his honnest cause & that his inocency would answer for him & that y^e^ demandants fraud would not avayle went to Boesten wher by y^e^ good prouidence of God And the honnesty of the then gouernor one M^r^ Dudley his plaine honnest dealing with y^e^ demandant he confesed in y^e^ sayd court your petitionors right in y^e^ sayd land

Yet neuer the les after ward y^e^ fore sayd demandants & Adherents Againe demanded y^e^ sayd land by Arbitration To which sayd arbitratiō The Collony of the Massatusets and the Collony of Rhode Island consented and two arbytrators came from Boesten & two from Rhode Island all foure awarding vs the sayd land Patuxcet afore said

Next the Inhabytance of a place called Warwick (hearing our sayd Evedence was cut & defaced) pretended to some of y^e^ sayd land by a pretend purchas of y^e^ same, after our purchase, & theyrs, not of the moste Superior Indeans, for y^e^ ending of which sayd deference your petitionor & his partnors offered arbitration: to y^e^ said claymors of Warwick, which they refused, and ther vpon: perceued, y^t^ your petitonor & partnors intend to sue y^e^ sayd of Warwick, They then put on a party of Warwick (y^e^ chief actors among them fled out of the Jurisdiction of conecticot pursued ther for supposed crimes) To

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*Here Harris again accuses Arnold of mutilating the original Town Evidence (see note on p. 101), and connects the matter even more closely with his case against Arnold and Carpenter in Massachusetts Courts in 1650.

pretend a new late purchase of inferior Indeans, of some of your petionors & his partnors fore sayd land Lying neerer to vs and betweene y^e^ former clayme of others of Warwick afore sayd takeing in ther by (by theyr sayd pretended boundes) your petitionors house wherin he dwells with his partnors lands with other lands of y^e^ inhabitants of Prouidence which sayd pretenders (who clayme our sd lands) wear inhabitants in Warwick (The Boundes wher of) they of Warwick say Exstends twenty miles in length And y^e^ Inhabytants of y^e^ sayd Warwick but about half soe many as they of y^e^ towne of Prouidence (nether)

your petitionor & his partnors perceiueing the great fraude intended by y^e^ sayd pretended purchase of some of Warwick afore sayde did reason with them y^t^ wear leaders in it to preuent y^e^ mischiefes like to ensue

but they intending ther by to strengthen each otheyrs partyes forceable entryes into & on your petitionors & his partnors lands would not Receiue our Reasons to preuent them But Entered by force in to our sayd lands thinking by theyr many parttyes And each for theyr pretended interest to encomber vs not only with many suits but by theyr Adherents & kindered soe to byas the Inhabitantes that a competent Jury might not be had among soe few people our sd aduersaryes allso vseing to haue a great partty in & of y^e^ court wher such sayd cases vse to be tryde And they haueing soe tired themselues Entered by force on your petitionors & his partnors lands with diuers persons in y^e^ time of y^e^ Court then ther about twelue years since

we then complayned of y^e^ sayd force to y^e^ Justices of peace of y^e^ sd Courte who sent a cunstable & ayde to fetch y^e^ sayd Enterors but the sayd Cunstable & ayde wear by y^e^ sd Enterors rezisted & could not be, nor yet, are not remoued

But one of y^e^ sd enterors one John Harrud of Warwick afore sd came to y^e^ sd Justices of y^e^ peace and gaue bond to answer the next court. But not withstanding by theyr partty in y^e^ law makeing court had enacted a law That who euer comeplayned of a forcable entry he should first

proue his title to y^e^ land before y^e^ force should be tryed by which law (contrary to y^e^ law of your Majestyes &c) (noe tenant for tearme of years could haue any remedy against a force commited against his possession) your petitionor & his partnors wear forced in such forme of law to proceed y^t^ a demandant may be kept out of his possession about two years though his title to the land be good & his possession allsoe your petitionor seeing such delay, and vnder, (and long like to be) of soe great & griueous wrong, & damage: about Eleuen years since I came from New England then intending to supplicate to your Majesty but then your Majestyes Commitionors wear goeing to New England (by whome I hoped a remedy) (but founde none)

But while I was then in England * ther was in New England a tryall of the case And your petitionor for himself & partnors had a verdict against y^e^ claime of y^e^ sd Harrud Then y^e^ sd Harrud (by vertue of a by law ther) without shewing any Reason Error or ataint optayned by the same to haue another hearing of y^e^ sd case &c But when the time came to answer in y^e^ said court The sd Harrud by his Aturny & partnors only pleading was to be exscuesed from y^e^ then tryall which y^e^ court before he only desired to preuent Judgment & Execution vpon which sd pleading (for allmoste a dayes time) he was alowed not to plead &c (as he desired) And then upon y^e^ sd verdict your petitionor had a Judgment

But then the sayd Harrud (by his aturny & partnor one Edmund Caluerley petitioned to the Kings Majestyes commitionors then at Rhode Island in New England That they would hear & determine that mater But your Majestyes commitionors sayd That they had more vrgent maters of y^e^ kings in hand but when they came back from y^e^ Eastward they would hear & determine y^e^ matter but they had not the opertunity And the sayd forcable enterors by force detayn the same the while I

* Harris evidently went to England early in 1664. The preparation for sending the Royal Commissioners took place early in this year, and Harris's verdict against Harrud was obtained 8 March, 1664.

still continewed to petition to the court of Rhode Island &c That they would require a writ of Execution to Issue out, which did, But ye officer the seargant that was to Execute ye sd writ was and is soe adherent to the sd enterors & detaynors that they rezist ye Execution and ye said officer is soe willing to be rezisted that noe Execution is done And by reason of ye partnors kindered Abetters & adherents of ye sd Enterors detaynors & seargants we haue bin & yet are & like to be kept out of our soe often proued true title to our sd land & possession oures for ye space of allmoste forty years & kept out of ye moste part for twelue years

And concidering we cannot get Execution of one verdict & Judgment (in soe long time,) we cannot acspect If we should commence suits against soe many as haue entered they being very many knowne & it may be as many vnknowne that may (to encomber vs) yet enter, as others haue designed & done euer to liue soe long a time nor noe man to end them all (with such delayes)

All which, Entyers, or claims ar, of one party at prouidence, consisting of many persons, two partyes of ye Massatusets, consisting of diuers persons, on party of Newplimoth, of which are diuers persons, All (which sd parttyes) haue bin anemated by the bold rezistance of the kings writ, by ye fore sd of Warwick, forcable enterors & detaynors, & theyr succes, & our defeate. (as yet without remedy) O that it would please God, and the king to take notice of our opressions And of the humble supplication of your petitionor, our opressions ar, by the many pretended purchases & Entryes of ye partyes & theyr abeters ayders kindered & Adherents open rezisters (some of them) of the kings writ of Execution, contrary to ye minde of ye honnest party in ye sd collony of Rhode Island &c, ye partyes yt rezist & theyr adherents are soe confederated: & ingaged, for theyr owne vsurped interest, to ayd each other, that your petitionor: & his partnors: are neuer like (ther to haue) ye verdict & Judgment soe long since giuen ye verdict for about Eleuen years since, & ye Judgment for more than seuen, neuer like to be executed. Nor neuer like

(there to be) (in ye sd case) a competent Jury to try ye abound-ance of defferences about the sayd matters which yet remayne (without your majestyes spetiall commition) &c But beside (& more then that) there are diuers partyes & persons of ye other Collonys who allso pretend title to ye sd lands, vnder pretence of late purchases who haue Entered by force & Aliened ye same & voyded & agayne Entered at ther pleasure And cannot be preuented ye sayd patents bordering vpon each other and ye kings writ of Rhode Island not runing into the other Collonyes makes your petitionor & his partnors vtterly vnable of Remedy (but by your Majestyes spetiall commition)

True it is (and neuer to be forgoten) your Moste Excellent Majesty hath gratiously granted many fauors & great enduld-gence to your subiects of New England all Emuneties of free-borne English men, and therfore, the lawes of your Realm of England, by which, they may liue in safty of theyr liues & lands &c

But for as much as three thousan miles distance of place doth soe allter our case that when incompetent or fauor-able enquests are, we cannot: soe soone come, nor returne, nor with, soe litle danger nor with soe small charge optayne writs of Circeorari (as your Majestyes subiects inhabiting in England may) nor can (but very few liueing soe remote) vndergoe soe long delay & stay cost charge absence from home & trouble to doe it, but yt they must either lose all such suits at home (to theyr vtter vndoeing or spend all they haue to come soe far for remedy & then peraduenture ye charg and exspence may be more than they imagined would be, or haue to exspend & soe end seeking a right remedy & find an vtter Ruen to themselues & famelyes be theyr causes neuer soe Just And for as much as your Majestyes lawes of England presup-pose Just ocacation for granting Spetiall comitions into Cor-porations within your Majestyes Rhelm of England and yet, noe detryment to ye former commition, nor to ye such sd cor-poration How much more nesessety: hath your: so long opressed, greatly grieued, & remote petitionor to supplicate to your Majesty for such sd commition not with standing your

former commition, & y^e^ sd corporation being but few & lately and matters neuer well setled nor haue had but litle time to doe it & haue bin much enterrupted in it and therfore noe wonder then If in y^e^ kings corporations in his Realm of soe antient standing soe long setlement y^e^ mulltitude of people (among whome might be thought to be had Impartiall Juryes) The law presupose for y^e^ mayntenance of Impartiall Justice the kings Honnor & peace & his subiects rights spetiall commitions needfull & spetiall assises, much rather and more need in newengland

O! That The Kings Moste Excelent Majesty would be pleased Gratiously therefore to grant A spetiall Commition to some known wise Just men in Newengland to hear and determine by a spetiall assise there wher it may be sooner heard wher all persons concerned are

[Transcript from the original in the British Public Record Office, London, Colonial Papers, xxxiv: no. 87. See Sainsbury, *Calendar State Papers, Am. & W. I., 1675–76*, no. 587.]

43

Harris's Statement of Case, 11 June, 1675.

A demandant, with his partnors

B tenant by force & his partnors

A purchaseth land in New England & first purchaseth of y^e^ moste superior Indeans

B he purchaseth some of the demandants land of Inferyor Indeans and Enters by force

A Complaynes of the force by *B* And optaynes A Judgment

B Rezists y^e^ Execution & keeps his possession by force And getts others (soe to pretend purchas) who allso enter by force

A seeing soe many parttyes entered And one (of them) (by abetters) able to hold by force, he concludes, y^e^ more parttyes,

y^e^ more able, And concludes, ther must be a new remedy, or none. *A* Then petitions to y^e^ King for power to be given to some persons in New England to hear & determine by A spetiall Assise Now whether *A* pray y^t^ which may Regulerly be granted

B may say y^e^ kings power is in N E all redy & is not to be displaced by a complaynt

A supposeth The king grants power in England to some wher his commition is before to hear & determin by a spetiall Assise & noe detryment to the former commition And supposeth y^e^ law sayth it. And prayes a resolution

[Transcript from original in British Public Record Office, London, Colonial Papers, xxxiv : no. 88. See Sainsbury, *Calendar, State Papers, Am. & W. I., 1675–76*, no. 588.]

44

Harris's Statement of Case, 11 June, 1675.

A, And his partnors Trauelled into new England all most forty years since and then & there purchased lands of y^e^ most superior Indeans (meere monarhes over y^e^ Indeans) before y^e^ exercise of y^e^ kings Jurisdiction ther by patent

B, And his partnors, since, purchas some of y^e^ sd lands of Inferior Indeans And enters into it by force

A, And his partnors, complayne of *B* his forc &c And after some delay optaine a Verdict And after longer delay A Judgment but not an execution performed nor serued in twelue years after y^e^ force commited, nor yet to this day The reason is because y^e^ officer called a seargant is willingly rezisted by *B* &c

B pretending he will kill whomesoeuer enters vpon him to dispossess him And pretends first, that he hath y^e^ best title &c 2 ly sayth, y^t^ y^e^ kings commitionors eleuen years since : or there aboute, when they wear in new England s^d^ they would end it when they came from y^e^ eastward from doeing y^e^ kings

busynes there, but are not yet come therefore not to be disseised

A, &c sayth, That he complayned of delay to y^e^ kings Court of Rhode Island And y^e^ sd Court heard *B* &c his Allegations yet required executiō And y^t^ y^e^ officer & *B* confederate y^e^ one to rezist & ye other to be rezisted in y^e^ execution is y^e^ delay And *A* sayth all y^e^ s^d^ Commitionors are now dead

B, keeping y^e^ possessiō by force in corageth others to enter by force allsoe Then enters *C*, & his partnors *D*, & his partnors *E*, & his *F*, & his *G*, Allsoe

A Then sayth, *B* hath kept vs out twelue years but *C*, *D*, *E*, *F*, & *G*, by y^e^ same way may keep vs out each as long as *B* If they wear vnder y^e^ same Jurisdiction by such force And Imbracery but *E*, *F*, & *G* being of other Jurisdictions where y^e^ fore sd Collony of Rhod Island writs runs not y^e^ sd *E*, *F*, & *G*, entering, & voyding, can not be tryed at Rhod Island, And by y^e^ sd Rhod Island law prohibited, *A*, & all others to try y^e^ title of land lying in y^e^ sd Jurisdiction in any other of y^e^ Collonyes Courts (to say) of y^e^ massatusets, Plimoth, or Conecticott vpon penallty of forfeiting y^e^ land *A*, conciderring y^e^ long delay in a case Judged Just by law, And that *A*, & his partnors title to y^e^ sd lands haue bin seuerall times by awards of Arbytrations Judged *A*, & his partnors And once by an arbytration Agreed to be by y^e^ Collony of y^e^ Massatusets, & of Rhod Island allsoe, two Arbytrators coming from each all foure awarding y^e^ sd land to *A*, & his partnors Then, *A*, conciders y^e^ longer likely hood of y^e^ like delayes his old Aige, & short life And supposeth noe remedy in New England *A* Therfore intendeth to supplycate to y^e^ kings Majesty To grant his order to whome y^e^ king pleaseth to hear & determine by A spetiall Assise

by *B* supposed to be sd that the King will not grant such order in the absence of *B* &c

A supposed to say That what he prayeth of the king is noe more nor noe other thing then to bring *B* &c to a fayre tryall, to which If y^e^ defendants or tenants presents must be had, or noe proceeding, then wher & when y^e^ tenant doubts of his

Just cause ther then he will not be, to endanger it, by his presents, knowing, his Absents will keep of ye tryall: & all danger by it. but writs for apearance doe not vse to depend vpon y^e^ presents of defendant nor tenant

supposed may be sd as to *B* &c That A Judgment is all redy (as to *B* &c & therfore needs noe tryall nor to be brought to it

A supposed to say That *B* hath leased to diuers others y^t^ wear in y^e^ force with him but now entered for themselues seuerally And *B* hath many wayes trespased since for which he hath not bin tryde nor Just y^t^ he should be suffered in it

B, supposed may say That y^e^ king his grants & Patents to y^e^ Collonyes in New england cannot admitt such order from y^e^ king as afore sd for then euery disconted person will complayne to y^e^ king & perplex his neighbors and render his patents of noe vse to y^e^ ending of defferences

A, supposed to Answer That If y^e^ kings patents to Corporations in England are of good vse for y^e^ ending of defferences wher may be supposed more contrauercyes (by y^e^ mulltitude of people And easy are to goe to y^e^ kings higher Courts at westminster then to come from New England to the king how much more y^e^ patents of New England, soe remote, y^e^ people soe few, y^e^ delay soe long, & y^e^ Charge soe great, wil be noe incoragement to come to comeplayne soe far 2ly *A* doth not petition to bring any to England to Charge them and trouble them but prayeth of y^e^ king y^t^ it may be heard & determined in New England, without any Charg to y^e^ king or any other but he or they who vpon tryall shall be found in y^e^ faull or wrong And in the mean time bears his own Charge 3ly *A* supposed to say That y^e^ kings grieued subiects by fauorable enquest to theyr neigbors in Corporations in England ar by law admited by writs of Cerciorarie to remoue theyr suits into y^e^ kings higher Courtes to be tryde by more competent & impartiall Juryes how much more equitable wher among a few interested people soe totally byased as men in theyr owne cases vse to be should cases be admited to be tryd by Jurors of an other Corporation vn concerned

B, supposed to say That Corporations in new England haue power to make lawes by which all ther should be tryd

A, supposed to say That they haue power to make lawes but yet as limited in theyr Chartors 2ly The matter of contrauercy is not as to lawes made but as to what may be Just & equall to relieue y^e^ wronged agreeable to such like cases in England 3ly *A* doth not deny but is willing y^t^ y^e^ sd controuercyes should be tryd by y^e^ lawes y^t^ ther are in y^e^ sd Collony wher y^e^ land lyes but petitioneth y^t^ it may be ther soe tryd acording to all lawes made ther acording to the sd patent or y^e^ lawes of England And not be defeated nor his partnors of theyr lands for want of a fayre tryall nor execution

B, supposed to say That y^e^ king hath giuen his power out of his hand vpon consideration & cannot call it agayne

A, supposed to say That y^e^ king hath granted to them to proceed as other Corporations of England yet reserues y^e^ superior power to bring them to any tryall for any wrong done or misgouernance by any of them or els they need but make a law & by it escape any tryall for any wrong done And y^e^ king haueing granted to all his subiects there y^e^ libertyes & emunetyes of Englishmen cannot be immagined y^t^ y^e^ king did intend y^t^ some should gouern y^e^ rest by lawes soe as not alowing them y^e^ libertyes of English men

B, supposed to say That If an order be granted it will not be obeoyed

A, supposed to say that y^e^ king did lately send to New England as to a duch ship y^t^ was taken by some ther as prize & proceeding supposed to be acording to y^e^ sd order made but as to hearing & dermining y^e^ defferences between *A*, and his partnors & *B* & his partnors &c *A* doth not doubt but y^t^ the Collony of Plimoth, Conecticot & likely of y^e^ massatusets And Rhode Island If y^e^ king apoynt will perform the same order but if they, or either of them fayle soe to doe as y^t^ a lawfull number be not out of y^e^ whole, yet then *A* only suffers y^e^ damag And y^e^ king noe charge but If they doe performe it as *A* belieues they will then the kings command will enure to doe Justice ther &c

[Transcript from the original in the British Public Record Office, London, Colonial Papers, xxxiv: no. 89. See Sainsbury, *Calendar State Papers, Am. & W. I., 1675–76*, no. 589.]

45

HARRIS TO NEWPORT TOWN COUNCIL, 3 JULY, 1676.

To the Town Council of Newport this first Monday of July 1676.

Whereas Thomas Roberts lately of Providence did decease this life here at Newport, but left his wife alive at his death, who since deceased also, who by the English marriage (which is the Law of England) his said wife stood endowed with all his worldly goods — therefore WE, the only brothers of the said late wife of Thomas Roberts * pray the Administration of the said goods, whereof our said Sister in time of her husbands life stood endowed and jointly possessed with her husband, but after the death of her husband solely possessed and endowed, her husband having no Child.

William Harris
Thomas Harris Se^r^

A true copy of that delivered to the Governour Walter Clark on the above said day he being one of the said Town Council, and the said day the time of their meeting by Law —

[Moses Brown Papers, xviii: no. 229.]

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* Thomas Roberts was a freeman of Providence who had served as Deputy in the General Assembly and who died at Newport in April, 1676 (Austin, *Geneal. Dict.*, p. 165). According to the above document his wife was own sister to William and Thomas Harris. Her Christian name was Parnill (*Prov. Rec.*, vi: 85). See also note to No. 88.

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HARRIS TO SIR JOSEPH WILLIAMSON, 12 AUGUST, 1676.

Truely Noble S^r^ your humble seruant whome your spetiall fauor hath oblieged to a continewall rememberance thereof: and thankfullnes for y^e^ same, and constant seruis to your Honnor, acording to my best dillegence and abillety (though but slow & weak) and y^e^ reason I haue noe oftener exspresed my seruis: and thanks to your Honnor, is, by reason y^e^ way of sending is soe enterrupted by y^e^ war: y^t^ there is noe safe sending, nor pasing to & fro (without danger of life) And allso desireing (when I did writ) to giue as certayne acounte:* & perticuler (as I could) to your Honnor, (as I could get) and therefore delayed: hopeing to haue had certayne information: out of each Collony of theyr afayres (as to y^e^ war) by some espetiall intellegable friend, but wanting opertunety to send to such, and allsoe haueing bin euer since in y^e^ moste dangerous place (by y^e^ Indeans) in y^e^ country: wher I haue lost a deer son: a dillegent engenious Just man: temperate in all things, whom y^e^ Indeans lay in waite for by y^e^ way syd & killd him,† and a

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* This long and careful account drawn up by William Harris forms a notable addition to the contemporaneous literature of King Philip's War. Since the subject is familiar to students of New England history, the document is not so fully annotated as are those papers which have more to do with Harris himself. Copious bibliographical accounts of the War can be found in Winsor, *Narrative and Critical History*, iii: 360; *Memorial Hist. of Boston*, i: 327; and Palfrey, iii: 132–239.

† Toleration Harris, born 1645, the youngest son of William Harris. His death was deeply mourned by his father, who in his will specified that his farm should "be called Mourning, as a monument of the death of my deare son Tolleration" (*Prov. Rec.*, vi: 55). It was on January 27, 1676, that 300 Indians attacked Pawtuxet, burning William Carpenter's outbuildings, corn and hay, and driving away 180 sheep, 50 head of cattle, and 15 horses. "Besides, they took much Cattel from young Mr. Harris, and killed a Negroe-Servant of his" (*Continuation of the State of New England*, London, 1676, p. 14. See also Drake, *Indian Chronicle*, 1867, pp. 196, 212, 244, 302; and Hubbard, *Narrative*, 1677, p. 60, add. p. 4).

negro man, and burnt our houses, and droue away aboute fifty head of Cowkind cattell, and fourscore horskinde of ours & carryed away some goods, and burnt aboue fifty loade of hay, and haue put vs out of our way of liueing, and from all opertunityes (for a long time) to doe this small seruis to your Honnor, (soe much & long) bound to: by your great fauor; And at this time am a soiurnor at Rhode Island, hopeing from thence to haue an opertunity to send these by water to y^e^ bay (viz^t^) to Boesten.

And as to y^e^ state of y^e^ Country in generall, but first: what it hath bin since y^e^ war began (viz^t^) In very sad & lamentable condition: and y^e^ wisest men in y^e^ Country euen at theyr wits end, to think what might become of themselues & famelyes & y^e^ whole country, y^e^ Indeans then doeing soe many mischiefs: in a secret sly: sculking way: y^t^ noe man knew well how to finde them, and y^e^ truth is, had it not pleased god to draw forth some other Indeans (such as were) former enemyes to our now enemyes: to ayd y^e^ English to finde theyr enemyes: and overtake them (when y^e^ English cannot) we might haue bin driuen to great strayts, And had y^e^ Indeans bin all our enemyes: and could haue gotten powder: they might haue forced vs to Islands for safety, and there to haue planted some litle Corne, and haue fished for our liueings, takeing some winter seasons (only) to fight y^e^ Indeans (if we could) much hurt y^e^ Indeans did, and y^e^ mesengers therof (for some time) came quicly one after another, like y^e^ news to Jobe: of his sorrowes, and our enemyes boasting: y^t^ god was departed from vs, and was with them.

but least our bad succes: should seeme to exspres: our bad cause: makeing an vniust war: therfore, to speak some thing to y^t^ (viz^t^) That y^e^ war was (on y^e^ English parte) Just, for, That Phillip an Indean great man: liueing in plimoth patent: did refuse to submit to y^e^ kings writ, to make answer concerning y^e^ death of one of y^e^ Indeans: the kings subiects and insted of apearing therto, he apeared in armes against y^e^ kings Authourity, and robed some of his subiects, and slew others, before y^e^ English fought: or killd any of y^e^ Indeans; and y^e^ reason: y^e^ s^d^ phillip shewed (which he had resolued) to one M^r^.

John Easton: ye then Deputy Gouernor of Rhode Island, (but fiue dayes before ye war began) (to whome he sd it as to a friend) (being soe spake to) That ther had bin former difference between ye Gouernor of plimoth and him (ye sd phillip) and yt they had layd fines vpon him, but for ye future he resolued neither to goe, nor pay: to him any such sums;

And yet, ye sd former fact: ye sd phillip supposed was guilty of: and fined for: was a war ploted by him to destroy ye English at vnawares; which was a compasing: and contriueing: to fight against ye kings authourity in his dominions: & to take ye authourety & dominion & rule to himself; which is high treason against ye king; and is ye efect of his last facts and therfore ye war made in defence: agaynst him: is Just; he first leuying war against ye kings Authourity in his dominions, and killd many of his subiects. Allsoe, ye sd war was by phillip intended against ye English long before, as apears by ye sd phillips (& not his only) (but others alsoe ye Indeans of other places) prouiding for ye sd war, ye year before, laying vp corne in such secret maner: as they were not wonte to doe (in time of peace) for, in time of peace: any yt pased by theyr barnes which are made in ye ground: ye English (as well as ye Indeans) knew them; but those made in preparation for ye war, are not seen: nor knowne by ye English: nor Indeans nether, (but by such as made them) gras being made to grow ouer them, and layd leuell; therfore, ye war by ye sd Indeans intended, and began; therfore, not an vniust war, (by ye English) to defend by war; therfore, ye sd war (on ye Englishes parte: Just) And of my certain knowledg, I know them soe barbarous, yt thoughe theyr predeseacors: did acknowledg themselues, ye kings subiects, & subscribed therto: that they might haue preueledg therby: & safety against theyr enemyes: these theyr succesors would acknowledg it to such ends, yet, when theyr obedyence to good law: is to theyr los, they matter not subiection: nor aleigance: noe more then brute beast; allsoe formerly I haue told phillip (after he plotted against ye English) that he aboue all other Indeans should loue ye English & be true to them, for, had it not bin for ye plimoth old plantors (now

dead) ye narragansets had then cutt of his fathers head (then called Mas-sa-soyt, since was called Osa-mea-quen, whom I knew forty years since, Allso to my certayne knowledg: they did reason for ye mayntenance of theyr customes against ye kings law, and yet, haue soe many monsterous customes contrary to all humanyty: some wherof I shall mention (vizt) to kill theyr children: yea any litle ones of any ayge: at theyr pleasure, without fear of punishment, And to kill theyr aiged parents, and for a mans murdering another: to kill his brother, or kinsman, with many such like; And without doubt (were now) resolued to fight for ye same and to destroy all English men noe doubt (If they could)

And wher as some: stick not to say, yt ye English haue ocationed ye war: by diuers opretions vsed to ye Indeans, as defrauding them of theyr land (as they say) trespasing in theyr corne by theyr cattell, with diuers other things obiected, acording to theyr seuerall interest, makeing (they say) ye Indeans pore. The temptations of men to the sd acuseations, may be these? some intending if they could to re buy theyr neighbours lands, as some did, and soe it hath sometimes bin: yt land hath bin bought: and solde three or foure times ouer. others out of enuy to theyr countrymen: for some sinister end: others flattering ye Indeans (sometimes) to buy theyr land. & sometimes to draw ye Indeans trade, of buying & selling cloath & furs & such like.

to which it may be answered, ye Indeans are or wear when they began ye war far more supplyed and better then when ye English first came for then they wear in great wants but sinc in great plenty, they when ye English first came had only axes of stone, but since of Iron & steele, then Hoese of wood: & tortes & other fish shells, but since of Iron & steele, allsoe they had then but a litle corne, perhapes fiue or six bushells a year one famely, but since sometimes forty, fifty, or sixty bushells; then made drills of flints to make theyr mony, but since haue drills of steele & can make forty to one; And doubtles those drills of flint would try ye patience of ye most industrious artist: & theyr skill (in theyr way) to make those

drills; they then had spent theyr corne early in y^e^ pring, but since haue corne enoughe & spare & sell, then ate fresh fish to keep them aliue, but by such foode dyed: of fluxes, but since had wholesome foode: & phizick store, in a word they then wanted allmoste all things, but since had allmoste all things y^t^ they might think needfull, and prosperity hath slayne them, yea and many of vs to; The Indeans since haue had soe much corne as to lay vp for a war a year before: agaynst this present war, and lately Conecticot men found seven hundered bushells of corne: & many beans of this country like y^e^ beans y^t^ are in England which are eaten shells an all; it is like y^e^ people y^t^ layd y^e^ s^d^ vp were dead, or killd, or taken, or driuen where they could not come at them; then y^e^ Indeans before y^e^ English came, wear allwayes in war & still in fear of theyr liues, but sinc y^e^ English haue slayn theyr enemyes, & now y^e^ Indeans make war with y^e^ English, rather by y^t^ prosperity they inioyed (by y^e^ English) then by any aduercity by them tempted to y^e^ war.

And that y^e^ war was not only Just with Phillip but y^e^ narragansets allsoe, for y^t^ many of them wear with phillip in y^e^ first fight (aboute mounte hope) And when phillip fled from thence y^e^ s^d^ narragansets fled to narraganset, and y^e^ narragansets sachems or rulers confesed them theyr men and were conducted with a great woman * of phillips party & her men to narraganset, wherevpon y^e^ English demanded of y^e^ narragansets why they receiued & shelltered theyr enemyes, and demanded them, but y^e^ narragansets did not deliuer them, but entered into articles to deliuer phillips men, & theyr enemyes y^t^ came among them, but did not, yet then makeing large pretences of peace, intending noe thing les, but they thought that if they should by a suden war lose theyr haruest: y^t^ then it would soone disable them to continew y^e^ war, Allsoe they receiued of y^e^ English rewards: as if they had taken of some of phillips mens heads, but y^e^ s^d^ heads (some of them) doubtles

* Weetamoe.

wear heads of Indeans y^t y^e English & theyr confederates had killd, or els: some heads of others y^t they slew y^t wear run from them: to phillip formerly: for fear of being put to death by y^e narragansets for supposed ofences commited against y^e narragansets, or others of phillips men y^t in time of peace contrauerted for phillip against y^e narragansets, aboute former defferences of rightes due: or wronges done, by, or to either y^e narragansets: or phillip, against whome they had spetiall spleen; & soe tooke y^t time to reueng themselues on them (when fallen into disstres & into theyr hands: for supposed deliuerance: willing to shellter themselues vnder them) and as to y^e last sort against whome they had such spleen: some of them I knew: & heard them debate, y^e s^d defferences in open courte at Rhode Island, y^e defference arose about a man (to say) an Indean y^t liued at Rhode Island: y^t kild his wife & a man y^t (he s^d) lay with her, y^e s^d man was tryd & condemnd for y^e s^d murder, but because he killd two, y^e sachems s^d they would haue two to put to death for y^e s^d two killd, and out of phillips men, for y^t y^e murdered wear related to y^e narragansets: and y^e murderor to phillip, The narragansets allsoe would haue had y^e murderor to haue cast him bound into a fire, but y^e court would not admit it, but s^d he was y^e kings subiect: & soe should haue y^e kings law, with much such discource, And y^t y^e law would not admit to put one man to death for anothers ofences, wherat: y^e narragansets shewed great indignation & s^d, that before y^e English came: they could doe what they list with phillips party, and phillips partty pleaded theyr exemption from them, & theyr owne absolute power, and soe stood theyr defference; and one (a chiefe interpreter among them then) his head was brought to y^e English by y^e narragansets & tooke a reward as for killing one of phillips men, but doubtles y^e s^d man (whome I had knowne neer forty year) was slayn by y^e English: and then y^e narragansets got his head: to get y^e reward, & to keep of (for y^t present) y^e war, or els: they kild him for y^e fores^d defference (in y^e debate wherof he was) and not simplely, as one of phillips men: and an enemy to y^e English, for, y^e narragansets had then among them many of phillips

partty: whome they neither deliuered vp to y^e^ English, nor brought in theyr heads, which shews they did all in deceite; yea, & all this while vp in y^e^ country about hadley & deerfield & there aboute ayd phillip: and others of theyr partty: against y^e^ English to y^e^ doeing of very great mischiefe; And further, y^t^ y^e^ s^d^ heads pretended to be taken of by y^e^ narragansets from liueing men of phillips; as enemyes to y^e^ English: seems not to be belieued, for, If soe, y^t^ partty of phillips among the narragansets then (which wear many) might haue supposed themselues to be determined to y^e^ same end, & then, would not (at liberty as they wear) there haue stayd (to y^t^ end) but there did stay therfore, not in such danger, nor y^e^ heads such heads, as wear pretended, but in truth y^e^ heads either of them slayne by y^e^ English, or such other as aforesd, not slayne by y^e^ narragansets as Englishes enemyes; much more playne demonstration: might be made proueing y^t^ y^e^ narragansets did Joyne with phillip in y^e^ war, but not to trouble your Honnor therwith,

but some hold noe war iust, and noe wonder they obiect y^e^ iustnes of this war allsoe, and haue some temptation to it allsoe, for, If y^e^ war iust? then their ayde may seeme to be engaged, therto, but, they not ayding nor willing to it, yea say they ought. not, had need to haue some pretence (as y^e^ vnlawfullnes of y^e^ war) to exscuse themselues; espetially (being) such as are soe far concerned: as defence &c, for y^e^ kings interest: & his subiects safety. The s^d^ war as Just

Then war began abounte mount hope aboute y^e^ twentieth of June 1675* Phillip was encountered by Generall Sauidg of y^e^ Massachusets, And plimoth forces vnder Captayne Cudworth or Major, And Major winthrap comeing to ayd them; but vpon consideration he stoped at narraganset & sent his forces back to Conecticott

but y^e^ rest differed: abute y^e^ land of phillip before they had ouercome him, which they had better to haue left for y^e^ widowes: & fatherles (when y^e^ enemy had bin ouercome) for

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*On this date, the Indians burned two houses at Swansea, probably the first overt act of the war.

theyr relief and for y^e^ criples made by y^e^ enemy, whose husbands: & fathers liues: & criples limbes had purchased. They marched after phillip in a few files: some miles long, & shot at y^e^ greene shrubes (when they saw not y^e^ enemy) so y^e^ Indeans they hearing theyr guns: had roome enough to slyd by them. but at y^e^ last found phillip in a swamp theraboutes, and fought him, but did him litle hurt, and he them some allsoe, but when they had got allmoste to him: a retreat was sounded which drew them out of y^e^ swamp, & y^e^ Indeans followed them: & fought them: as they marched away, but then y^e^ Indeans would not agayne be founde; soe y^e^ English marched home to y^e^ bay * (y^t^ wear of y^e^ bay)

phillip then takeing his march vp into y^e^ Country, & some of his men haueing wounded a man at prouidence, & burnt some houses,† prouidence men were willing to be with him, hearing he was to pas by ralied aboute thirty or thirty fiue, & went to ly in ambush for him, but he was gon by, & while they were lookeing him, ther came to them aboute thirty & fiue more of Rehoboth & tanton, two townes of plimoth patent, soone after them forty Indeans confederates with y^e^ English, in all about a hundered (y^e^ s^d^ Indeans were vnckcas his men (A sachem in Conecticot patent) soe they sent out scoutes some English & some Indeans: And neer night came neer to phillip, in y^e^ morning they followed agayne, vntill they met with phillips scoute, whome they shott dead, but phillip heard y^e^ gun: & got redy, and instantly y^e^ English came vp with them: & fought them, & killd about fifty of phillips, & phillip hardly escaped:‡ he left his powder: & stafe for haste, and fled vp into y^e^

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* Massachusetts.

† Hubbard records that eighteen houses were burned at Providence, 28 June, 1675 (*Narrative*, add. p. 4).

‡ This was the fight of 1 August, 1675, near Nipsachuck Hill. F. A. Arnold, in the *Narr. Hist. Register*, vi: 61–69, clearly shows that both the hill and swamp of this name formerly bordered on the western end of the boundary line between North Smithfield and Smithfield. It was at Nipsachuck Swamp that Talcott's victory of 2 July, 1676, took place.

Country (but a great woman with phillip then, but left him & went with some narragansets to narraganset) Phillip & his partty did much hurte vp in ye country aboute hadley, deerfield & theraboute, but at narraganset a seeming peace, then ye English went to ye narragansets And demanded why they shelltered theyr enemyes, but they deliuered them not, but entered into articles: & to deliuer vp phillips partty, but did not, but ye English wanting Amunition, & prouition, and therfore wear forced to delay & to get in haruest, and ye Indeans as willing to get in theyr haruest, but in ye mean time: ye Indeans to ye Eastward rose & did much hurt, but since sd they are come in: & ye war there ended; but aboute the thirteenth of desember last, aboute a thousand of ye English forces came to narraganset, & after some few dayes stay there: & some perlie with ye Indeans, they fought them in a swamp to which they had aboute half a dayes march,* The English shewed very much vallour: runing vp to ye mussells of ye guns, & to theyr porte holes: fireing into theyr forte, leaping ouer theyr brestworkes, & into theyre fort, turning ye but ends of theyr guns sometimes, And thoughe many of ye English slayne & wounded, yet, ye coldnes of ye season ocationed ye death of many of ye wounded, they being far from theyr quarters, and it frose yt night very hard; but many more of ye Indeans wear slayne (then of ye English;) there was litle more done there yt winter, but in ye spring they marched out with about thirteen hundered, vp into ye Country: & slew aboute sixty, but some of theyr nimblest enemyes: theyr horses could not come vp with: only (some few) (not enough to encounter ye enemy) which march being ouer: each Collonyes forces marched to theyr owne Collonyes.

After which time many mischeifs wear done vpon many townes of ye massachusets, to ye los of many soules, Allso a great mulltitude of Indeans came downe out of ye country: in one body, they met with one captayne pierce at a place neer

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*The "Great Swamp Fight" in South Kingston, R. I., 19 December, 1675.

Rehoboth called blackstones River, where he with aboute seuenty lusty vallyent men were fallen into an Ambush of allmoste all y^e^ s^d^ thousand Indeans: & foute with them till they had spent theyr amminition: which when y^e^ Indeans perceiued they ran vpone them: & slew all saue some few, whoe fought throughe them & fled, but they slew many of y^e^ Indeans.* The s^d^ thousand came to rehoboth & there they burnt such houses as were not fortifyde & killd one man y^t^ they found out of y^e^ garrison from thence they came to prouidence † and there burnt many houses vnfortifyd, and killd two persons y^t^ wear out of y^e^ garrisons And killd much cattell, And then went to patuxet & ther burnt some houses & an empty garrisō, and fought against another, and shott fire vpon arrowes forty or fifty, but y^e^ English put them out,‡ And in y^e^ night time went ther way, it being supposed y^t^ they heard of Conecticot forces then not far from y^t^ place, And had taken then y^e^ greatest man of y^e^ narrogansets, called nau-nau-ta-nute, a man soe proude y^t^ when he was in his enemyes hands: sayd he would speak to none but sachems (to say) princes, but gods meer hand & not subtillty tooke him & gaue him into y^e^ hand of an Indean sachem to be slayne (to say) Vnckas his son,‖ y^e^ s^d^ Vnckas is a confederat with y^e^ English of a long time, he was

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*"Peirce's Fight" occurred 26 March, 1676. The best accounts of this battle are in Bliss, *Rehoboth*, p. 88; Daggett, *Attleborough*, p. 109; and Bodge, *Soldiers in King Philip's War*, p. 348.

† For the burning of Providence, 29 March, 1676, see Drake, *Indian Chronicle*, pp. 223, 244, 254; Hubbard, *Narrative*, p. 67, add. p. 4; Mather, *History of the War*, p. 26; and Backus, *History of N. E.*, i: 424.

‡ See note *ante*, p. 162.

‖ Canonchet, known also as Nanuntenoo and sometimes by his father's name, Miantonomi, was captured in April, 1676, and shot by Oneco, sachem of the Mohegans and son of Uncas. In 1643 Uncas had carried out the order of the Commissioners of the United Colonies that Miantonomi should be executed.

Encountered aboue thirty years since by A sachem of narraganset (to say) me-an-te-no-meah, whom god deliuered into y^e^ hands of Vnckas who slew him, and y^e^ fore s^d^ nau-naun-ta-nute, was y^e^ son of me-an-te-no-meah, y^e^ father: slaynes by vnckas, & y^e^ son by vnckas his son, The s^d^ narraganset sachems both of them monsterous proud, & both trecherous to y^e^ English & had not god formerly soe cut of y^e^ father he had then done as did since his son a moste cruell man, o god soe defeate all thyn enemyes & deliuer all y^t^ are inocent, now it pleaseth god y^t^ newes from euery quarter is y^t^ y^e^ English preuayle and y^e^ Indeans our enemyes fall there hath bin within a few monthes seuen hundered Indeans slayne tooke & come in & they haue but litle prouition, nor Amunition, And they are lean: & dismayed, and come into diuers townes & places: & pray they may liue,

Phillip is now come downe out of y^e^ Country, And is now supposed to be in y^t^ swamp wher y^e^ first fight was: neer mount hope, & supposed to haue with him a thousand, And pursued with aboute eight hundered (English & Indeans) If our sins preuent not, it may be hoped y^t^ this sumer & y^e^ next winter may neer end y^e^ war; It is supposed y^e^ English haue lost fifteen hundered soules in this war (men, women, & children)* in a towne called Rehoboth (aboute three miles from prouidence within plimoth patent, they presed there for y^e^ war with y^e^ Indeans) aboute y^e^ proportion of one of six, and yet y^e^ s^d^ towne a frontteer towne, at which time I think they say theyr whole forces English & Indeans was to be thirteen hundered, yea such resolution hath bin: y^t^ If need had required (It was s^d^) they would haue gon out one of three of y^e^ whole, they now in furtherance of y^e^ war make powder allsoe.

God hath wonderfully shewed his wisdome: & power, for wher as y^e^ English (to say) we by our sins: had opened y^e^

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* This is a somewhat larger estimate than is given in other contemporaneous narratives. The *New and Further Narrative of the State of New England*, 1676, p. 14, sets the total loss of the English at 800.

Indeans mouthes to say, y^t^ because we soe sined against god, God would: & did deliuer vs in to theyr hands, And allsoe defeated y^e^ endeuors & hopes of doeing great exsploytes y^e^ laste winter vpon y^e^ Enemy, the enemy then insullting ouer poore soules whome they tormented & killd biding them call vpon Jesus Christ aloude perhaps he would here them,* whose blasphemous reproches God infinite in mercy hath heard, And lord of hosts has therfore, (to shew his owne Arme y^e^ power:) defeated the enemy this Sumer, and as fig leaues would not couer shame nor sin, soe neither y^e^ green leaues of this desolate wildernes hyde nor couer nor atend to defend the fores^d^ blasphemers against god: & our cruell & vniust enemyes from gods indignation, against thyr vniust war, theyr bloud thirsty cruellty & horible ingratitude to god, & y^e^ English great friends vnto them. soe y^t^ as y^e^ English too much trusted in y^e^ winter to ouercome, y^e^ Indeans, trusting allsoe in y^e^ sumer to ouercome y^e^ English, but god hath made it y^e^ time of theyr defeate.

O thou lord of hosts y^t^ sauest neither by sword nor speare prepare our hearts to an euerlasting thankfullnes for our deliverance and giue vs a continewall dependance vpon thyne owne arme for our ayd for euer and bring vs to a sencable soebar watchfullnes against all our sins noe more forgetting thyne allseeing ey y^t^ hath and will see our sins, nor thyne Infinite allmighty Arme y^t^ hath defended vs from our soe barbarous enemys o god fill our hearts for euer with sorrow for our sins and giue vs throughe reformation of our liues, & loue & pity to our enemyes wining them to thee by our loueing mercyfull & Just conuersation toward them

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* "At Sudbury, an elderly Englishman endeavouring an Escape from the Indians by running into a Swamp, was overtaken by an Indian, and being Destitute of Weapons to Defend himself or Offend him, the Indian insulted over him with that Blasphemous Expression, 'Come Lord Jesus, save this poor Englishman if thou canst, whom I am now about to kill.'" *True Account of the Most Considerable Occurrences* — London, 1676, p. 2. As Harris can hardly have seen this printed narrative, he must, if he refers to this episode, have heard it in the way of news, which doubtless traveled rapidly, despite the dangers of communication.

At this instant came in a vesell from vergenia who brings newes of great destruction done there by y^e^ Indeans* which shewes y^t^ y^e^ contriuance of a war against y^e^ English went far only gods prouidence preuented some yea Vnckcas y^t^ olde friend to y^e^ English was for a time in y^e^ plot as he confesed and yet since hath done y^e^ greatest exsployts agaynst y^e^ enemy

How straing are y^e^ prouidences of god & how good to trust in him who defeateth our foes by one another and maketh perfideous men faythfull friends at his plesure y^t^ in all strayts men may trust in him & stand in awe of his allmighty power

The enemy hath burnt all y^e^ houses in warwick, all in patuxet, And allmoste all in prouidence, And y^e^ rest of y^e^ houses in y^e^ Narraganset country allsoe† And y^e^ inhabytance y^t^ wear ther are gon some to one place some to another, such sore desolation is come vpon vs & but few lay it to hear[t]

There hath bin litle force made by any to defend y^e^ s^d^ country from y^e^ Indeans y^e^ inhabytants haue bin left to theyr owne ayd & soe ouerrun of late since y^e^ great mischiefs done Conecticot forces haue bin thereaboute & slayne many Indeans otherwise they might there haue dwelt without enteruption our mischiefs haue hapened y^e^ rather in y^t^ Conecticott & Rhode Island Challeng y^e^ Jurisdiction of y^e^ Country thereaboute & soe between them both y^e^ places haue not bin defended by either & y^e^ Inhabytants exspose (among y^e^ greatest

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*The failure of Governor Berkeley to punish the Indians who committed numerous depredations in the spring of 1676 was a principal occasion for Bacon's Rebellion.

†Hubbard says that Warwick was "all of it burned by the enemy at several times," Pawtuxet had "twelve houses burned in the beginning of March, 1676," and Providence had "eighteen houses burned, June 28, 1675. March 29 following, fifty-four houses were there burned, and most of the rest as they were deserted by the inhabitants withdrawing to Road Island" (*Narrative*, addenda, p. 4). The *New and Further Narrative*, p. 13, gives the list of losses as follows: "In Narraganset not one House left standing. At Warwick, but one. At Providence, not above three. At Potuxit, none left."

throng of ye Indeans yt wear knowne neer) to ye mischiefs they haue done to theyr vtter ruens, Conecticot haue had litle or noe mischief done in such partes of theyr Jurisdiction wher Rhode Island Challengeth not And they haue ye moste ayde of Indeans to ye greatest succes they go out constantly with vollunteers English & Indeans and have great succes theyr boyes cry to goe out against ye Indeans & they let them goe and all run vp on ye Indeans without fear, they haue killd, tooke, & come into them fiue hundered Indeans this sumer. A great counciller of ye narragansetts (& spetially of a great woman) yea ye greatest yt ther wa[ ] ye sd woman (called) ye old Queene,* ye fore sd counciller her greatest fauoret he doth as much exc[el] in depth of Judgment: common witts, as Saull was taller than others of Israell, he bore as much sway by his Councill at Narraganset (acording to his & theyr small proportions) as Great Mazerreen among ye frensh, The sd man called (Potuck)† he came to prouidence lately inquireing how he might get to boesten safe, pretending to peace, but some vnaduisedly not reaching his intent told him he had better goe to Rhode Island disafacting his goeing to ye bay and they neither considering yt Rhode Island could make noe peace with him yt woul[d] be ye Indeans peace with ye Vnited Collonyes for yt Rhode Island was not in confederacy wit[h] them but yt notwithstand they should pretend to make peace with them others ye English would fight them & not safe for Rhode Island to trust the Indeans promeses they are soe perfideous allsoe, but three men there at prouidence consented to his goeing to ye Island afores^{d} & sent him by water & promesed

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* Quaiapen, Magnus, or Matantuck, known also as the "Sunk Squaw." She was the widow of Makanno, son of old Canonicus.

† Potuck was a Narragansett chief who seems to be first mentioned in connection with King Philip's War as an opponent to Christianity. In the *Warr in New England visibly ended*, 1676, p. 2, it is stated that "one Potuck, a mischievous Engine, and a Counsellour, taken formerly, said to be in Gaol at Rhode Island, is now sent to Boston, and there shot to Death" (See Drake, *Book of Indians*, pt. iii: p. 76).

him safe returne to a place called warwick poynt at three days end, but when he came there onely two or three seemed willing to his safe returne after they had largly talked with him (to say two or three of ye court) yt wear willing to shew it theyr opinion but some of ye Inhabytants girt on theyr swords & sd he should not goe of from ye Island aliue saying he had kild more English soules then any Indean (by his councill) or then any had done with weapons others saying yet it was acording to Armes to keep promes with perleys & it would teach them faythfullnes in such cases & ye contrary would teach them trechory against ye liues of inocent soules, but while he was detayned aboute foure score of lusty Indeans well armed waited at ye place to which he was to returne whome he there apoynted to be & in ye mean time came Conecticot forces whoe in theyr march met with Indeans & fought them & kild ye sd olde Queen & many more & came to warwick & there met with ye sd Indeans (who stayd for Potuck) & slew moste of them allsoe, but ye sd potuck is still at Rhode Island but in danger to be killd & it is further obiected against him yt he was one of them yt slew captayne pierce & his men & yt burnt houses at Rehoboth, prouidence, & patuxet & there killd persons & tooke much cattell and allsoe sd yt they yt promesed him safe returne had noe such power soe to doe, but true it is yt he was promesed safe returne by three to say one Asistant, two called captaynes but I perceiueing his subtillty neither desired his goeing nor promesed him safe returne nor returne, but in court declared my desire of his safe returne for ye foresd promes which was by the makers without condition and had power not to haue sent him, & if not sent him then had bin at liberty & not bin there violently nor Irregulerly killd with a tumullt seemeth ye more vnreasonable ye sd mens promeses of his safe returne should be or ocation only his danger o thou god of truth yt art faythfull thoughe we beliue not thou canst not deny thyself make vs faythfull to ye death to whome & to which thou hast promesed a crowne of life

there came in & brought in yesterday fourteen Indeans to Rhode Island some of them poor & leane & one of them

wounded before they bring in distris for fear of y^e^ English & Indeans theyr friends, & haueing noe powder, & wanting victualls.

we lately hear y^t^ y^e^ moowhagues haue slayne one Cononicus one of y^e^ narragansetts chief sachems *

By reason of y^e^ present vnhappy war The kings Majestyes letter & order to y^e^ fourė gouernors cannot be put in Execution, but know of noe other obstruction my euer thankes to God, And y^e^ kings majesty for y^e^ same, And your Honnors very Humble seruant shall neuer forget your Honnors kindnes

William Harris

[The following is written up the side of the page.]

It seems to be another Cononicus since, not y^t^ of narraganset *

Euer since The takeing of y^e^ great man of Narraganset the war hath gon moste against y^e^ Indeans, And within two or three dayes after a great army of Indeans supposed a thousand bosted of theyr victoryes at Providence ouer y^e^ English in a pearley there the fore s^d^ great man was taken by Conecticot forces, from which time march to this 12^th^ of August 1676 two thousand Indeans haue bin killd taken & come in And supposed fifteen hundered before, And some say a thousan English from y^e^ first slayne, but I doubt neerer fifteen hundered.

The Indeans come in dayly, and fight presently against y^e^ Indeans they came from and betray one another into y^e^ hands of y^e^ English

And because Conecticot forces are most constantly actiue & kill all saue boyes & girls The Indeans haste into y^e^ Massachusets & plimoth to scape them y^t^ are moste like (by y^e^ help of Indeans y^t^ are with them) to kill them

* In the latter part of June, 1676, "Canonicus the great Sachim of the Narhagansets, distrusting the Proffers of the English, was slain in the Woods by the Mohawks" (Hubbard, *Narrative*, ii: 28).

Another ocation of theyr comeing in is want of powder which is hard to be got they now haueing but litle to buy it And goe to buy it in great danger of theyr liues by reason of y^e^ Indeans called Moowhauges theyr enemyes y^t^ meet with them y^t^ vse to kill & eat theyr enemyes but formerly they haue s^d^ they had powder of y^e^ Duch aboute forte Alboney

There haue more Indeans dyed since y^e^ war began by sicknes & hunger then by y^e^ sword soe y^t^ dead come in & transported since y^e^ war each way about seuen thousand, It hath bin gods heuy hand on them as well as on y^e^ English for they now are not only in dandger of y^e^ English & diuers sorts of Indeans but of theyr owne supposed friends haueing bin soe much trapand by them y^t^ they are afrayed of all they see but least of those of rhode Island for ther they come in & are as well acommodated as euer they wear in theyr liues only they are called seruants but soone after peace is concluded they will run all away againe as y^e^ captiues formerly did after y^e^ pequot war forty years since

These Indeans did (before y^e^ war) liue with more ease, pleasure, & plenty & far les care then poore labouring men & trades men in England but before y^e^ English came some what like to what they are now once a year like to starue and euery day in danger of theyr liues by theyr enemyes

Just now newes is brought That this 12^th^ of August early in y^e^ morneing phillip was Slayne in a swamp within a mile of mount hope & about a mile & half from Rhode Island he was with a few men there & set vpon by one Captayne Benjamine Church of Plimoth & Captayne Pealeg Sanford of Rhode Island each of them with forty men & y^e^ s^d^ phillip shott through y^e^ heart by an Indean y^t^ liues on Rhode Island and his head & hands are now on y^e^ s^d^ Island, here being one M^r^ Moore now bounde for y^e^ north of England I will at y^e^ next conuenyent opertunity make bolde to derect these by him to your Honnor your Honnors fauour being my continewall remembrancer for euer of my moste humble & faithfull seruis for your optayneing for me the kings Majestyes letters on my behalf in soe great a straight by reson of grieuous opretion

Remayneing only with me prayers for y^e^ kings Majestyes long life & your Honnors

Very Humble Seruant William Harris

I know noe hinderance of y^e^
Execution of y^e^ Kings Majestys
order but y^e^ present war
Impeading y^e^ same
12 August 1676

[Transcript from the original in the British Public Record Office, London, Colonial Papers, xxxvii: no. 47. See Sainsbury, *Calendar State Papers, Am. & W. I. 1675–76*, no. 1021.]

47

FIELD AND WATERMAN, POWER OF ATTORNEY, 4 JUNE, 1677.

Endorsed by Harris:—T ff & N W theyre letter of aturny

Know all whome it may concerne That we Thomas ffield: And Nathaniell Waterman both of Providence and proprietors in Patuxet haveing had commited against us many trespases by force & divers wrongs And haveing optayned An order of the Kings Majesty to put an end to y^e^ sd defferences acording to Justice by law We have made William Harris (our partnor in y^e^ s^d^ proprietyes) our Aturney: and given him our full power in our name and to our use to sue Implead & procecute to eject all or any persons or person That hath trespased against us acording to his discretion and his acting therin shall be as valled as if we ourselves personally did y^e^ same without revocation to all intents and purposes in y^e^ law whatsoever
witnes our hands and Seales* this 4th of June 1677 and 29th year of his Majestyes Reigne &c

Thomas ffield [L S]
Nathaniell Waterman [L S]

*The body of this document is in William Harris's handwriting.

in open Court this Letter of Attorny was owned by Thomas ffeild: and Nathaniell Waterman

19 Nov^{b} 1676. [*sic*] D Henchman, Com̄iss:

[Cushman Papers.]

48

GOV. LEVERETT TO GOV. WINSLOW, 6 JUNE, 1677.

Addressed:—To the Honrd Josiah winslow Esq^{r} Gov^{r} of the Colony of New Plimouth to be sent Forward to the Hono^{rble} the Gov^{rs} of Rhode Island & Connecticott these dll^{d}

Boston June the 6th 1677.

Honord S^{rs} m^{r} W^{m} Harris hath applyed himselfe to me desireing that according his Ma^{ties} Commands of the 4th August 1675* to the severall Governors of the Collonys of the Massachusets Plimoth Connecticott & Rhod Island concerning the lands about patuxett (the warr being well over in those parts) the same might be put in Execution for his reliefe, occasions me to acquaint you that I am ready to attend those comands & desire you would please to manifest yourselves therein & propownd what may be most effectuall thereunto either by drawing a Commission or appoynting that one may be drawn as may be meet, with Blanks for the names of the Commissioners from each Colony & also that Jurors may be appoynted, three or foure from each Colony to try the matters of differences between plaintifs & defendants allso to appoynt time & place, the charge whereof m^{r} Harris sayth he will defray desireing it may be as litle as the business may permitt, thus commending you to God I rest S^{rs} your

Humble Servant John Leverett

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*The King's letter embodying this order, signed by Williamson, is printed in *Conn. Rec.* ii: 586–588.

[Extracts from Conn. MSS. relating to R. I., i: 218, a manuscript volume, certified to by the Secretary of State of Conn., in the R. I. Hist. Soc. Library.]

49

GOV. WINSLOW [TO RHODE ISLAND], 9 JUNE, 1677.

Honord Gent—In complyance wth his Maties Commands & Mr Harris his desires, or Court have nominated & Impowered the Worpll Thomas Hinckly* & Major James Cudworth† Esqrs to Joyne with such as shall be Impowered & Comissioned by the other Colonyes & have requested that or Hond the Governor & Councill of the Massachusets would drawe the Forme of a Commission, & give Coppyes thereof to us & the other Colonyes that they may be concurrent. & the Gent Commissioned being mett together may chuse their presedent of Stuard of sayd Court, we think patuxett the fittest place for tryall If they can be there accomodated & have allso desired or neighbours of the Massachusetts to appoynt the time giveing timely notice to you & us requesting to give Speedy conveyance to the Governor of Conecticutt, rest your Humble Servant
Plimouth June 9. 77. Josiah Winslow

[Extracts from Conn. MSS., i: 219.]

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* Thomas Hinckley (1618–1706) of Barnstable, was prominent in Plymouth colony affairs, as assistant, deputy governor and governor (1681–92).

† James Cudworth of Scituate, Mass., had served as representative until rejected for tenderness to the Quakers, in 1659, assistant, commissioner of the United Colonies, and captain in King Philip's War, commanding the Plymouth colony troops. Elected deputy governor in 1681, the following year he was sent as colony agent to London, where he died in 1682.

50

GOV. ARNOLD [TO GOV. LEETE] 23 JUNE, 1677.

Honrd S^{r}—In obedience to his Maje^{ts} Commands & in concurrance wth the Hon^{ble} the Governo^{rs} of the Massachusetts & plymouth the Court have chosen & Impowered the Honrd Cap^{t} Peleg Sanford* & Cap^{t} John Green† Assist^{s} to Joyne wth such as shall be Empowered by the other Colonys to Assist in the hearing & (if it may be) putting a good & Finall determination unto that Controversy of m^{r} Harris & others & doe well approve of the proposalls by the Hon^{ble} Josiah winslow Governo^{r} of Plymouth, onely conceive that patuxett being ruined by fire there is no conveniency of houseing. But Providence will better accomadate the Gent^{n} that are to travill in that. no more at present but that I am S^{r} your Humble Servant

Newport June 23th 1677. Benedict Arnold

[Extracts from Conn. MSS., i : 220.]

51

GOV. LEVERETT TO GOV. WINSLOW, 3 JULY, 1677.

Addressed:—These for the Hono^{rbl} Josia Winslow Esq^{r} Governo^{r} of his Ma^{ties} Colony of New Plimouth.

S^{r}

By a Letter from W^{m} Harris 12^{o} June ult^{o} I understand yo^{r} ready concurrence & Speedy dispatch in declaring yo^{r} Selfe

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* Peleg Sanford of Newport (1639–1701), who held office in the general assembly from 1667 to 1679, and who was chosen governor from 1680 to 1683.

† John Green of Warwick (1620–1708), who served in the assembly almost continually from 1652 to 1690, and from 1690 to 1700 was chosen deputy governor. His place of residence, perhaps, explains why, although nominated, he did not finally serve upon the court.

obedient to his Ma^ties com̄ands from Hampton Court 24° Aug° in the 27° yeare of his Maj^ties Reign 1675. in chooseing Com̄issionrs & Jurymen & saith hee hath not as yet shewed to you, against whome hee complaines; but in his to mee saith. hee complaines against William Randall & his partnrs Tho: Dexter partnr w^th Cap^t Hubbard,* and divers persons of Rehoboth, as the Smiths, Hunts or Hunt & therefore desires the Jurors may bee desired to shew whither they bee concerned or a kin; hee also desires the easiest or cheapest way may bee consulted for entrys of complaints; which I thinke is his worke with the Com̄issionrs I have herewith sent a draught of a Com̄ission. I intend to those sent by mee; which if liked you and others may use, or others if you and they see meete; If anything in it you judge meete to alter. I shall readily comply w^th your reason: I set not the President on choice but as put upon it that there may bee a forwarding of the worke— S^r you will heare of the Lords hand going out against us at black point,† [ ] were appointed to rendevouz the 26° June. the. [ ] they engaged the Enemy; who were entertained by a briske first and second party of them, put to retreat and ambuscaded in theire retreat, so that tho. our men fought like men of valour wee are cut off, Cap^t L^t & Officers and nigh 50 English and Indians slain and wounded; what the Enemy lost wee understand not, but doubtless they must loose many: ffrom Kenebeck Indians wee have rec^d Letters desiring a peace; Majo^r Clarke is gone thither to understand the motions of the Gentlemen from Gov^r Andros; the Lord in mercy fit us to his pleasure, certainly it will not sound well,

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*William Randall (1647–1712) of Scituate appears in the vicinity of Providence as early as 1674. In 1684 he purchased land from his father-in-law, Henry Fowler. The property which he possessed and which Harris claimed was between the present Randall's Pond and the Pocasset River. Thomas Dexter was probably of Sandwich. Who Captain Hubbard was is uncertain.

†Black Point, now Scarborough, Maine, which was frequently attacked by the Indians during 1676 and 1677.

that being drawn by o^r^ ffreinds into a warr wee should bee deserted by them before it's ended; If so. the Lord will help us out of it as formerly.

Thus with kinde respects from my Selfe and wife to yo^r^ Selfe and Lady I comend you to God & rest.

S^r^ Yo^r^ humble Servant.

Boston. July. 3^d^ 1677. @ John: Leverett

major Thomas Savage & Capt Dan Hincham are those pitch^d^ upon to be Comisioned I have Sent like to Governo^r^ Leet S^r^ there is a remayne of the irish charity w^ch^ if you please to order wilbe delivered but it is desyred that wil order it to be receyved at once frõ m^r^ Talo^r^ m^r^ Deane [ ] Dudley*

[Cushman Papers.]

52

Gov. Leete to Gov. Leverett, 6 July, 1677.

Hartford July 6^th^ 1677.

Hon^rd^ S^r^—upon receipt of the foregoing letters† that came to hand 4^th^ Instant, these may testify (by o^r^ Subscription) o^r^ ready complyance with what is therein propownded upon m^r^ Harris his behalfe, like as had been before desired by himselfe, & by us accepted, onely for time & place, we leave with

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*A committee, headed by Nathaniel, the brother of Increase Mather, secured subscriptions in and around Dublin, Ireland, to send a ship, the Katherine, loaded with meal, oatmeal, wheat, malt, butter, cheese, etc., to relieve the needs of the sufferers from the Indian war in New England. Most of the relief went to Plymouth colony. The committee consisted of [William?] Taylor, Thomas Deane and Paul Dudley. Mr. Charles Deane printed the little that is known about "The Irish Donation of 1676" in the *N. E. Hist. Gen. Register*, ii: 245–250.

†This enclosed copies of the letters of Governors Winslow and Arnold, Nos. 49 and 50.

yourselfe to Express: & then shall we so endeavour to attend the service, haveing chosen & impowered the Honor[d] M[r] James Richards* Assistant & major Edward Palmes† to performe the same, we purposeing then allso to send some Jurymen & doe in like maner desire (if it be thought necessary) that we may receive a Coppy or draught of a Comission for the Suitable authorizeing the agents to hear, act & determine according to righteosnes, that so we may be uniforme in all the requisites which seames to be all the needfull at present

from S[r] your Humble Servant

Will[m] Leete

These for the Hon[rd] Gov[r] Leverett at Boston

[Extracts from Conn. MSS., i: 220.]

53

Harrud to Calverly, 6 August, 1677.

Endorsed:—John haruds letter from Long iland about aperung in y[e] Case of the lands of mashantetat

Addressed:—To his loveing frend m[r] Colverly at newpourt on Rode Ilande these deelever

Loveing frend m[r] calverle my humbell Respectes presented unto you hoping you are in good helth as I am at present through gods mercy but haue bin much troubled with lamenes in my Joyntes with much coldes I got befoore I came from hom which has much inpoverreshed me by Reson of tackin

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* James Richards of Hartford (–1680) was one of the wealthiest of the early Connecticut settlers. He had served as assistant since 1665, and as commissioner of the United Colonies in 1672 and 1675.

† Edward Palmes of New Haven (1637–1715) was elected representative in 1671–74 and 1677, and in 1683 was named on the royal commission to adjust claims in the Narragansett country. Neither he nor Richards served on the Court as finally constituted.

me of my laber and my childre much visitted with Sicknes but my wife Indiferent helthe this climent agrees not with us: but hope to Return hom again to you as Sonne as god shall inabelle me: my desier is that you wold appear in the defence of our undouted titelle when summunses shal cum from the court I am no way doutful but we may have equall Justis when those gentlemen com to gather at patuckset: I will be Responcebell for what charge you shal and have bin at: I cannot Send you any thing tell mickcelmas: John wickes is a great distance from us I can not com to speacke with him: but have sent to him
my love Remembred to al our Relationes and frendes: I pray send me word how matteres are desided: not elst at present but Rest youres to command John harrud from: South holde on long Iland
the 6 of august: 1677

[From Moses Brown Papers, vol. 18, no. 230.]

53½

Harris to Winslow, 17 September, 1677.

Addressed:—ffor The Honnored Josiah Winslow Esquir Governor of his Majestyes Collony of New plimoth and prayeth all convenient speed into whose hands it may come.

Honnored S^{r}

With regret of minde I am yet troublesome to yourself & others, be pleased to understand y^{t} I have bin with y^{e} Honnored Governor of y^{e} Massachusett who made me wayte on his Honnor from friday night y^{t} week until tusday y^{e} next week therto & with some reasonings at y^{e} last upon your willingnes & y^{e} Governor of Rhod Island he apoynted y^{e} third of october next a meeting at providence but would limit y^{e} commition & time but to one day what weather or hinderance soever I s^{d} y^{e} Judges in England (on whome he instanced to one

day or a day) had theyr Coaches, but he s^d these gentlemen might goe y^e earlyer & seeing it is goe & pray they may I would now have made bold to have shewed yourself what was s^d but this day within this houre or two I am bound to Conecticut which s^d great travell to me might have bin spared I[f] ye s^d Governor would but I suppose M^r williams his suggestions emerge &c

As to William Randall I have herewith only sent our complaynt yet soe large y^t he may not be to seek thoughe he have not our declaration now, I ow to M^r Hinkley lines of thanks but y^e time so short & my present & after Jurny soe long (before y^e Court I cannot pay y^e same nor can I tell how to send these to your Honnor, I pray bear with my boldnes many wayes forced 17 Sept 1677

your humble Servant William Harris

[Original owned by William D. Ely.]

54

Harris to Winslow, 17 September, 1677.

Endorsed by Harris:—A complaynt agaynst William Randall

To y^e Honnored Josiah Winslow Esquire Governor of his Majestyes Collony of New plimoth praying that some way by your apoyntment as pleaseth yourself That William Randall of Cituate in y^e Collony of New plimoth may be Summoned to apear at his Majestyes Courte to be held at providence y^e third day of october next* in y^e Collony of Rhod Islan &c by his Majestyes Order of y^e 4^th^ of August 1675 And 27^th^ year

* The commissioners had met at Pawtuxet, 22 August, 1677, but on account of the absence of the Rhode Island members nothing more than reading of credentials and designation of jurors was accomplished (*Conn. Col. Rec.*, ii: 588).

of his Majestyes Reigne from Hampton Court to answer Nathaniell waterman Thomas ffield & william Harris of patuxet & providence in y^e^ Collony aforesd Complaynants & demandants in a plea of land wherfore he y^e^ s^d^ William Randall tenant by force Entered by force on aboue a thousand acres of y^e^ Complaynants & demmandants land of patuxet woodland highland & lowland & medow on y^e^ northward syd of the longest streame of patuxet river & on y^e^ southward syd of a line y^t^ is to devide betweene y^e^ land of providenc & y^e^ land of patuxet to y^e^ Eastward & below a place or pon called penhunggansett in y^e^ month of march 167⅞ retarding y^e^ s^d^ Complaynants & demandants & Ejecting them to theyr damage of twenty pound starling which forceth them to make theyr complaynt of y^e^ force demand theyr land & commenc theyr action of trespas against y^e^ s^d^ William Randall & pray Justice of y^e^ s^d^ Courte. In behalf of Nathaniell waterman & Thomas ffield theyr Aturny & in his owne behalf complaynant & demandant

William Harris

17 of Sept 1677

[Harris Papers, p. 91.]

55

Winslow to Hinckley, 22 September, 1677.

Addressed:—To the W^h^p^ll^ Thomas Hinckley Esq^r^ these Banestable

Hon^rd^ S^r^

M^r^ Harris was lately with mee to intreat a second meeting about his concerns, and to Ease his charge, and shorten your trouble ernestly intreats that the authority of the Severall Coloneys would give Sum̄ons to those Complayned against within their respective jurisdictions, the which is on my seriouse thoughts about it Something irreguler, and may I doubt bee attended with inconvenienceys, but the rest of the

Coloneys haveing granted it at his great importunity, I have also sum̄onsed William Randall, and have given Majr Cudworth notise that the next meeting is agreed and apointed to bee on the third of October next at Providence, as you will see by the inclosed which I received but last night; Sr I beleeve your family ocations may be pressing yet intreat there may bee no fayluer on our prt. Wee have little news from England (tho divers gentn from Boston were this week at my house) only some letters say that ffrance and Holland are near an agreement of their great and long continued difference:* also that Argere † have againe broke peace with us, and fifty saile of frigets bound thither; Noe news from the Countreys Agents, or els kept very private, many rumers of genrll governr or Com̄issionrs,‡ but I finde little grounds for it. my respects to good Mr Wally,§ mrs Hinckly and your selfe I rest

Marshfeild Your ffreind and Srvt

Sept 22. 77 Jos: Winslow

[Cushman Papers.]

56

Gov. Arnold to Commissioners, 29 September, 1677.

To [ ] the President and Assistants Assembled and instated into Cou[rt Order] ffor our Lord the King his Service, [ ]nd Observance of, his Majesties Com̄and ffrom

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*The first treaty of the peace of Nimeguen was signed 10 August, 1678.

† Algiers: that the above was a common spelling and pronunciation of the name is shown by the "captivity letters," Nos. 100–107.

‡ It was not until May, 1686, that Dudley became president of the territory comprising Massachusetts, Maine, New Hampshire and the Kings Province. See Palfrey, iii: 484.

§ Undoubtedly Thomas Walley, who came from London in 1663 and settled in Barnstable, where he died in 1678, aged 61.

Hampton Court, Aug[u]st the ffourth. 1675 and twenty Seaventh Year of his Majesties Reigne, for hearing the Complaints of Mr William Harris against Severall intruders on his Lands (as he saith) at or about Pawtuxet. the Court Sitting at Providence, October the third day 1677 and 29th Year of his Majesties Reigne These by the two Honord Gentlemen Commissionated for that Court. Viztt: Captt: Peleg Sanford & Mr John Coggeshall Seniorr.*

Honoured and highly Esteemed.

I conceive I need not make any Excuse in defence of my Innocency as to the ffrustrating the fformer appointed Court it being Manifest before this time doubtless to all Concerned I had no information of time place or fforme off Commission, butt as to the Present Court although warning ffell Short of what was Promissed, yett due Care is taken as I hope it doth appear in the appoynting the most Unbiassed Persons for Assistants to Sitt in Court and jurors to Serve in their Cappassity, &c. Both and all which the Plaintiffe acknowledged he had not any thing to Object against any of them, so that will save some trouble in the Court, Butt hee to witt Mr William Harris being very Importunate with mee to give out Summons † for sundry Persons to appear to Answer his Complaints at this Court I was Inclining to his desire, Butt withall Considering how Inconvenient it would prove in Case ye Court should bee by any accident Prevented of being in a Capassity to sitt according to Commission, that so many Persons should bee disapoynted in their attendance on a Court yt was not, as

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* John Coggeshall of Newport (1618–1708) had served almost continually in the assembly or as general treasurer from 1653 to 1676. He was elected deputy governor in 1686, '89 and '90. He took John Greene's place in the court.

† The original warrants to Thomas Fry to summon Greene, Gorton, Calverly, Harrud, Burlingame and Ralph, all dated 15 October, 1677, and signed by Sanford and Coggeshall as commissioners, are in the Cushman Papers.

also Considering that the Court hath Power when instated to give out Sum̄ons as they see cause Soe doubting it might Seeme an Usurpation of the Courts power rather than any ffacilitating the Proceeds thereof, Butt Principally Minding that his Majesties Command gives nott Power to the Respective Governours to bee off the Court, Or to act as off the Court butt to Authorize Persons Qualified and ffitt to bee a Court as also the Respective Governo^{rs}: have Empowred them to Carry on the Court which having done, they are only Enjoyned to Make a returne of their Proceeds to the respective Governours &c. which intimateth as I Conceive that the Governours are not to act in that Courts buisines it being not Proper they Should be accountabl Each one to him selfe, Butt only ūto his Majestie what they doe in the Observance of his Royall Com̄ands in that Matter: Thus I Conceived Honoured Gentlemen to bee incumbent upon mee to acquaint you with y^{e} reasons of my Proceeds in the Premisses, not Presuming to direct you how to Proceed butt Refering you to y^{e} Commissions by which you are to act (nott doubting your Abilityes therein &c. Soe take Leave and Rest Your Humble Servant

Benedict Arnold Senior

Newport This 29th of Septemb^{r} 1677

[From R. I. Hist. Soc. MSS., vol. 5, no. 929.]

57

Proceedings of Court, 3 October, 1677.

Att a Court held att Providence this Third day of Octob^{r} 1677 by Spetiall Com̄and from his Maj^{tie} by the Com̄ishioners appoynted by the Govern^{r}s of his Majesties Collonys of Plymouth Massacusetts Connecticott and Road Island.

Comishionrs from Plymouth Collony { Thomas Hinkley Esqr Precedent
James Cutworth Esqr

from Massacusetts { Symon Lynde*
Capt Danyell Henchman †

from Conecticott { Capt George Denison ‡
Danyell Witherell

from Road Island { Capt Peleg Sanford
John Coggeshall Senr:
Charles Hill clerc §

Retourned for Jury men ‖ from the Massacusets Coll: Corpoll William Bond
Peter Woodward Jur
Samuell Gyle
Samll Bulling

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*Simon Lynde (1624–1687) was a prominent Boston and London merchant, carrying on business in both places.

† Daniel Henchman (–1685) was one of the founders of Worcester and had been a captain in King Philip's War.

‡ George Denison (1620?–1694) of New London, became prominent through his military activity during King Philip's War.

§ Charles Hill (–1684), the New London merchant was, according to Savage (*Geneal. Dict.*, ii: 415), "a useful man, recorder of the town and clerk of the county court."

‖ Of the Massachusetts jurors Bond was of Watertown, a representative, and active in the council of safety during the Andros insurrection; Woodward was of Dedham; Gyle, or Gyles, of Newbury; Bulling, or Bullen, of Dedham. Of the Plymouth jurors, Lieut. Browne was from either Duxbury or Swansea; Allyn from Barnstable; Peck of Rehoboth; and Brooks of Scituate. Of the Connecticut jurors, Richardson was from Stonington; Mason lived at Stonington, New London and Norwich, was a son of Major John Mason of Indian War fame, and a brother-in-law of Hill; and Tracy was from Norwich. Of the Rhode Island jurors, Ward, the progenitor of the family of governors, was of Newport; Richmond of Westerly; Brinley of Newport; and Crandall of Westerly.

ffrom Plymouth.	Left Jn° Browne
	John Allyn
	John Peck
	Gilbert Brooks
from Conecticott.	m^r^ Amos Richardson
	Charles Hill
	Dany^ll^ Mason
	Left^t^ Tho Tracy
from Road Island.	Thomas Ward
	Left^t^ Edward Richmond
	m^r^ William Brenly
	John Crandall.

William Harris Thomas Feild & Nathan^ll^ Waterman of Patuxet & sd Providence Plan^ts^ Complaynes ag^t^ John Towers Deft

In An Action of trespas of a plea of Land of &c att Patuxet for unlawfully purchasing entring by force and holding some and allianiating other of sd plan^ts^ Lands whereby they say there Lawfull purchas & peaceable possession is ejected doeing them many harmes against the publique peace and good Law, to the dammadg of tenne pounds Ster^l^ for all which & there prooving there true title and possession of sd Lands sd plantiffs comenceth the sd Action.

By consent of the plantiffs and defendant in open Court this action is referred to bee tryed att the next adjournement.

This Court is adjourned till the Seaventeenth day of November next: and then to meete againe att the howse of Thomas Feild in Providence in y^e^ Collony of Road Island and Providence Plantation &c

Charles Hill Cler^c^

[Cushman Papers.]

58

Harris to the Court, 12 October, 1677.

To his Majestyes Honnored Court sitting by his Majestyes Authority & order bearing date at Hampton Courte y^e^ 4^th^ of August 1675, & 27^th^ year of his Majestyes Reigne—for y^e^ hearing & determining defferences as to patuxet at providence in y^e^ Collony of Rhod Island & providence plantations &c y^e^ 17^th^ of novem next

The declaration of Thomas ffield, Nathaniell Waterman & William Harris all of patuxet & providence in y^e^ sd Collony complaynants & demandants as in theyr complaynt expressed, bearing date of octob 1677 Against Edmund Calverly, late of warwick in y^e^ foresd Collony tenent by force & formerly aturney for his partners in y^e^ sd lands pretended to, (to say) James Sweet William Burton, John Sweet, John Wicks, Abell Potter & others, wherfore he y^e^ s^d^ Edmund Calverly hath unlawfully purchased with his s^d^ partners four thousand acres of our land of patuxet as by his & theyr & others pretended grant ther of bearing date y^e^ 23 of June 1662 taken of Cooweeset Indians it doth apear. And for y^e^ sd Edmund Calverly hath entered by force by y^e^ sd pretended grant with others & mayntayned y^e^ force as in our complaynt expressed we wear forced to commence our sd action of trespas against him y^e^ sd Edmund Callverly & partners of one hundred pounds starling & make our demand of y^e^ sd land & commit y^e^ Issue therein expressed to y^e^ good Country as in y^e^ conclution of our declaration we shall expres, now further showing that y^e^ sd Edmund Callverly & his partners petitioned of y^e^ Court of Rhod Island &c leave to buy foure thousand acres of land for without leave from y^e^ sd Court it was unlawfull by y^e^ law there, to buy upon theyr request: had leave to buy foure thousand acres, but with those restrictions (to say) not to buy any bought before, nor within any towne ship, but our sd patuxet was bought before y^e^ s^d^ warwick was, And since (much of it) often bought & sold, And within y^e^ Towneship of providence which they knew

which shewes theyr intended force & frauds as we shall produce record to prove

2ly those tenant by force Edmund Calverly buy of them y^t^ had noe right to sell (with his partnors) they buy of a few Cooweeset Indians, foure thousand acres not of Cooweeset land, much like Warwick men^s^ buying some of our patuxet of Alexander a sachem of y^e^ Masachusets.* Warwick towne lyes between Cooweset & patuxet & yet warwick grant is of meantonomy & not of y^e^ sd Cooweset Indians, but it is like they the right to make up y^e^ weaknes of theyr grant with y^e^ strenth of theyr Armes as thus apears, when execution formerly was commanded to be done for us, then apeared Edmund Calverly as a cunstable ther, soe made by Mr. Greene, to keep y^e^ peac s^d^, while ye Kings writ of execution was rezisted, at which wear some warwick women, & old Mr Gorton was goeing thyther, only came when y^e^ partyes wear partyed, all in ayde of theyr young grants, But our grant was forty years since, of old Cononicus y^e^ chief conqueror, & of old meantonomy, to whome our adversaryes grantors wear underlings at their wills. And if these underlings can run away from theyr masters, & sell y^e^ land theyr masters sold; soe long before and be a good grant; how good will a grant be of theyr soe late weak grant by those soe potent to conquer them all, as of late it hath bin, But warwick remayned, by not soe much as a half title to oures, for oures forty years since, by y^e^ greatest conquerer,† & by warwick litle grantor to, but warwick only by our & theyr litle grantor meantonomy only a cuszin to the right grantor a younger brothers son, which s^d^ great grantor had sons & himself in life, when y^e^ other was dead (meatonomy) much better is our grant of patuxet then, to Edmund Calverly^s^ — and his partners whose granttors were manyfould more below & les power in all things then meantonomy our least grantor, & warwick greatest grantor.

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* Wamsutta, the elder son of Massasoit, was also known by the English name Alexander.

† Canonicus.

On our Grantes, The foundation, is layd Towneship, on Towneship record, And a patent, & therein the Kings grant to be of patuxet, And as in law: & Justice, as may move our title patuxet, may move ye Kings patent layd therupon

Allsoe we hold of ye King, Agreed aboute ye five (to say) ye fift parte of all ye gould & silver ore ther found And noe man ever commenced any suit, nor demanded our land by law therfore our title good by ye equity of ye sd law of England, of levying a fine to ye King, & by ye equity thereof oures.

And Edmund Calverly & his partners grant & title layne dead by law (to say by verdict & judgment this 12 or 13 yeares, and our title lives & bylaw rayesed against ye others by verdict & judgement.

Besyd ye ayge of our grant is soe long yt it hath lived almost twice ye time limited in ye statute of none claymes to bring a writ of right, but all this time our adversayes have seene noe cause, to bring theyr writ of right & how should they yt noe cause had, and therefore now if it could be supposed to bring a writ of rights it is now to late by ye sd statute.

Againe our grantor was one soe potent, you our grantors yt ye English Jurisdictions made confederacy of peace for all ye Indians in these partes with them, And can it be immagined yt our adversayes mean grantors wear any independent power or common weal at Cooweeset in ye bosome of ye bay of narraganset not subjected to Cononicus when osemoquen* yt had bin able to fight them formerly yet then subjected, & theyr rule was what ye greatest sachem pleased & they then granted our land. But suppose them tenants, & but suppose them, yet but as ye rest are & doe sell land & might by theyr conquest & rule better than any other sachem, yet Knowne sell or grant land by conquest & it being a good title among all civellized nations cannot be counted tirany in these

Agayne if all allterations of Goverment after usurpers dead or vanquished & be declared Kings indeed but not of right, yet ye lawes stand made in theyr times & courtes & Judg-

* Massasoit.

ments remayne as if not usurped, soe likewise our granttors suppose & but suppose usurped or tyrants yet what they did was by theyr law & Justice, And as Just as ye acts of any other monorches, nay what les tirany can any Monoch doe, then sell his conquerred land to such as need & will buy, & put none in want therof And we pray ye Court & Jury to consider allsoe our arguments in our other declarations, of ye true & lawfull Authority of our grantors to grant, and did grant, & our title of ye sd land of patuxet first, our long and many troubles & continuall charge there aboute, & perplexety thereby to great hindrances in all things of our ocations which ye sd tenant by force (chiefly) & his partnors by theyr entrance by force & theyr ayding divers wayes ye force of other theyre partners, rezisting ye remedy of ye Kings majesty, findeing none here by reason of many factions they had made by others like unlawfull claymes & interest, by colusive confederayes prevented & by strength of multitude rezisted all Justice to ye damage of one hundred pounds starling, enforcing us to our sd action of trespas of ye sd sum against ye tenant by force or tenants by force allsoe. And commit this Issue to ye good Country who hath ye best right or truest title to ye sd land by us demanded of patuxet acording to our proportions, we ye complaynants & demandants, or ye sd Edmund Calverly tenant by force, or him & them his sd partnors, against whome herein we complayne & declare in this our sd action we are redy to joyne in ye sd Issue with him ye sd tenant by force or him & them his sd partnors against whome herein we complayne & declare, but pray he may be put to answer for himselfe & his foresd partnors for a finall end of ye sd defferences he being theyr partnor & former Aturny & moste like still as his Majestyes order requireing a finall end of ye sd defferences. And a quieting ye title yt apears to be just. In behalf of Thomas Field & Nathaniell Waterman theyr aturney & in my owne behalf & right complaynant & demandant this 12 of octob 1677 & 29th year of his Majestyes Reigne.

William Harris.

[From a copy made by George T. Paine.]

59

Harris to the Court, 15 October, 1677.

Endorsed by Harris:— our declaration against Mr Dextor, Captayne ffener & ye Towne of providence to be left with Captayne Peleg Sandfoord one of ye Commitioners, of ye 15 of octo 1677, as to ye end within shewed

To the Kings Majestyes Honnored Courte Siting by vertue of his Majestyes Order, bearing date at Hampton Courte ye 4th of August 1675, & 27th year of his Majestyes Reigne for ye hearing & determining defferences as to patuxet at providence in ye Collony of Rhod Island & providence plantations &c, the 17th of November next, The declaration of Thomas ffield, & William Harris of patuxet & providence in ye sd Collony, complaynants & demandants in an action of trespas bearing date ye 13th of octob 1677, Agaynst Mr Gregory Dextor, Captayne arthur ffenner* And ye sd Towne of providence in ye sd Collony tenants by force And as further perticulerly exspresed in our sd complaynt we herein further declare and shew, That ye sd Mr Dextor & Captayne ffenner have bin active leading Instruements in carrying on a defference with divers persons after comers of ye sd towne of providence under ye name of ye sd Town have by many meetings calling & requireing the Searjante in his Majestyes name to warne us to ye sd townes meetings & then & there bid us for peace sake relinquish our Claymes to a great parte of our land of patuxet as if they should sugest we wear like to have noe peace, but by soe doeing, some demanding shares of our sd land of ye sd Towne (saying) see if we cannot keep it as well as warwickmen (theyr teachers) Notwithstanding 13 of us patuxet men wear ye first

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*Fenner, in 1657 and 1659, had purchased the land immediately south of the Pocasset river and west of the present Randall's pond (*Prov. Rec.* viii: 72) which land came very near to where Harris thought the dividing line between Providence and Warwick ought to be.

purchasors of Mr Williams of all ye Lands both of providence first, & afterward of patuxet, & some of us with ye adventure (by hardship) of our lives, & neer loste, soe great was our cost, of ye sd lands, which we yt came with Mr Williams should have bin with him in ye first grant & price, but he only put in himself in ye first which he had of the Sachems for litle above half soe much as he solde providence to us, And thoughe he promesed patuxet to ye men of patuxet for five pound yet he got it of gift & had of us with his owne share twenty pounde starling as his receipt will shew,* Into which sd lands of providence we received divers persons who by ye sugjestions of Mr Williams & other rose in a tumullt against ye then peace of providence, order, & rule therin, And allsoe claymed patuxet, but when they had wearyed themselves came to arbytration, & ye award † was yt all ye Inhabytants should pay equally & have equally of providence (to say) on ye northward syde of ye sd line betweene ye sd Rivers, & ye rest northward which sd land is supposed three quartters, and patuxet ye 4th quarter, which sd patuxet part was awarded to patuxet men aboute or above thirty years since And all men then save one Mr Weston & one Mr Greene (both now dead) acsepted of ye award then (and theyr Succesors afterward) and have solde theyr rights in patuxet, And all men then ther subscribed to ye award as we have to shew, since then many young people not then Borne, growne up, & many such come hither, & here received unknowing to former rights, & some through covetousnes invade our rights of patuxet afores^{d} & are anymated by our adversaryes of warwick, Thoughe we of patuxet possesed ye inhabytants

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* Williams, on 8 October, 1638, made over equal rights in his Providence purchase to his twelve associates, in consideration of £30 for his own expenses (*Prov. Rec.*, iii: 90, xv: 86; *Rider's Hist. Tract*, xiv: 55). In the same year Pawtuxet was "impropriated unto thirteen persons, being now incorporate into our town of Providence," the consideration being £29 (*R. I. Col. Rec.*, i: 20; *Rider's Hist. Tract*, xiv: 56, 58).

† The "Combination," 27 July, 1640, which settled the boundary between Providence and Pawtuxet (*Prov. Rec.*, xv: 2).

of providence with providenc land (to say) three quarters of all our lands, supposed, & kept a quarter (supposed) (to say) patuxet, But, warwick purchasors, (to say) twelve, pretend to above twenty mile in length (to say) a great piece of good land besyde, And yet alow theyr inhabytants but five miles in length (to say) of y^e^ s^d^ twenty miles, yet y^e^ Inhabytants of providence are instigated by them of warwick, against us of patuxet, thinking by many perplexetyes to wear us out, & mak us yeild up our rightes, in which designe M^r^ Dextor & Captayne ffenner are & have bin very active and underhand another designe for by pretence of providence, litle old bounds (much stood upon) wherin Gregory Dextor could not in his understanding against Jurisdiction by y^e^ same clayme his land, his due, would by force if he could overthrow y^t^ title (for a worce) (but biger) think^g^ with a multytude of trespasers by force to enforce theyr way as by theyr papers & acts we shall prove & not only soe with his partty of providence, but with another partty of Rhod Island in a parcell of land 13 miles square bounded by providence line, which if he could make his matters take by his mulltitude to deminsh or null providence, patuxet, & warwick intangled (to him) (by Jurisdiction), then by his party of Rhod Island with him who have some sway in Courtes, may place his thirteene mile square (to say) as much of it as can be contayned on y^e^ deminution or nullety of providence & patuxet, for, by y^e^ name of y^e^ line of providence, patuxet is bounded, soe is his 13 mile &c soe y^t^ to come to y^t^ line must lay theyr land on patuxet land, & lack roome, must have providence & more & soe bury patuxet, not then, thinking of any other Court or Jury but some of theyr or his party should be in it to help at a dead lift neer hand, And thus haveing breefly discovered theyr undermineings, I will shew our true title stands upon soe great rockes, y^t^ have stoode soe,many such stormes cannot be soe overthrowne, nor blowne soe

for first, our first title: both of providence & patuxet (I must put them together, because together in y^e^ same grants, by y^e^ same grantors, & y^e^ mischief intended to y^e^ proprietors

of patuxet, & against them both, (though not soe much to providence,) our sd titles are from Conounicus ye eldest, & ye eldest Meantonomy, the sd Conounicus ye greatest Conquerer who subdued all ye Indeans ther under his finall Judgment & doome, & therfore might as well as other monorches sell his conquered land, And did, after he had sold oures, To Mr Cottinton of Newporte & others Aqueadnick, (now called Rhode Island), as by record I shall prove, And warwick as by theyr deed we shall prove,

And a parcell long since to Mr Benadict Arnold Senior on ye other syd of patuxet river, all since providence & patuxet, And three Islands to Mr Williams, now called prudence patience, & hope, may prevent pation, remove doubt, & such unwisdome as to object our grantors, all since providence & patuxet granted, therfore before his or theyr monorchy suffered any deminution, If they all stand firm & ye last, much more ye first, providence & patuxet, when noe English Jurisdiction here to enterupt theyr power nor noe English inhabytants to be entered upon or clayme before us, And ye English Jurisdiction and since, our grant, tooke him & them for ye rulers of all ye Indeans here & confederated with them against ye pequats as by witnes I shall prove,

2ly That maner of rule & Goverment hath bin soe long since ye English came here, & ye sd in Conounicus his hand soe long before they came, by Indean story & they have no other record long enoughe by ye law of prescriptions to enure a title if it were nothing els, to lands, Lordships & Courtes, & then without all reasonable doubt the sale of land in his hand, & if any objection by any Indean ye power of Judgment to him by prescription allsoe

3ly we of patuxet, & they of providence have held ye same about forty years, & yt is allmost or about twice ye time of the Statute of none claymes, after which time noe man can commence a suite by a writ of righte, though otherwise had a righte, but our adversaryes have none to patuxet, & besyde our olde knowing neighbours Challeng noe right there, but such as afores^d, & though we ye towne, because under yt name we wear

hindered and molested, yet with them we doe not intend those (y^t^ have noe hand in it) noe more then ourselves y^t^ are of y^e^ towne allsoe

4ly we hold by a grant of y^e^ king, under his Majestyes great Seal in his majestyes Charttor, as by publique test we shall prove, & shall y^e^ grant of some pittifull needy flattered Indeans late pretended title defeate us of our soe just & long true title & possestion when as by y^e^ law of England they y^t^ levy a fine to y^e^ king, If any have right to y^e^ sd land & sue not within a short time therein limited, they are bared forever, but we have held it many times y^t^ time, therfore our title not to be questioned

Then seeing our grant of patuxet by the Chiefest granttor of the Indeans & first, and laste of y^e^ king, underling Indeans grantes cannot defeat nor frustrat them therfore it is Just we should have our right, And y^e^ s^d^ Gregory Dextor, & Captayne ffenner & they that y^t^ called themselves y^e^ towne should pay y^e^ damage they have done as in keeping us out of our knowne rights soe long, & forceing us to goe to England to pray a remedy with theyr many more troubles, & Charges then here recited or can at present be remembered to great disturbance of neighborly & y^e^ publique peace & against good law have Ejected or cast us oute of our s^d^ right, & to our damage of ten pounds starling, which forceth us to bring our action of trespas of y^e^ s^d^ sum against y^e^ s^d^ M^r^ Dextor, & Captayne ffener & y^e^ s^d^ towne of providence, & commit to y^e^ Court & Countryes Concideration our wronges & trespases, & to y^e^ Jury this Issue (to say) whether y^e^ s^d^ towne of providence should not with us run y^e^ s^d^ line agreed on by us for partition betweene y^e^ s^d^ Rivers wanasquetucket river & patuxet River at an equall or even distance & equally upward into y^e^ Country as high as a place or pon called penhungganset, the moste westerly bounde which is aboute twelve miles from y^e^ moste easterly bound set at providence, And who hath y^e^ best right & truest title to y^e^ s^d^ land on y^e^ southward syde of y^e^ s^d^ line the s^d^ tenants by force or we the complaynants & demandants acording to our proportions.

In behalf of Thomas ffield his aturny, & in my owne right Complaynant & demandant.
this 15 of octob 1677,* & 29th year of his Majestyes Reigne — William Harris

[Cushman Papers.]

60

Harris to the Court, 17 November, 1677.

Presented to his Majestyes Honnored Courte 17 of Novē 1677, That my petition to ye Kings Majesty is true

first That I & twelve more my partnors did purchas of ye Indeans &c, (by Mr Williams) apears by his Immedeat puting us into posession, & dispozition of ye same, & have held it to this day

nor doth his takeing of it in his owne name against his owne (pretended) love, receipts of som of us, payments, ayd, help, & Company (of other of us: make it otherwise, seeing actually and immedeatly he did put us in equall posession of ye same with himself each one with ye like right & power to dispose therof as our: and his: then acts prove, and his conveyance therof to us proves still

2ly That it was aboute 40 years since, for we have posesed it ever since 1637 or 38 or rather before, before ther wear any other English in these partes: here we wear, Rhod Island was purchased after we had bin setled and planted and yet theyr grant bears date 1637, but Mr Williams sd ye Kings power cast him out, & sd he did not know whether ye King would owne him, soe he tooke a date of his owne, and we seeing his dispo-

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* A similar, but shorter, declaration against the Town of Providence was written by Harris, 13 October, 1677 (Printed in *Rider's Hist. Tract*, 2d series, no. 4, p. 87). Staples, in quoting Harris's declaration (*Annals of Prov.* p. 583), follows the document of 15 October, and therefore makes no error (See Rider, p. 84).

zition we wear unwilling to strive, and his date was from his plantation,* not from y^e^ year of our lord, nor King then somewhat like y^t^ of y^e^ long since pipeing ratt Catcher, followed by y^e^ Children † y^e^ people ther thence tooke theyr date, oures not being so memorable forgot

3ly y^t^ we injoyed y^e^ same in peace till a defference with some of Providence, none can object: nor hath,

4ly y^t^ y^t^ was ended by an awarding our title of patuxet good, we produce y^e^ s^d^ award for proofe

5ly y^t^ 3 of us (to say) of patuxet did pretend title to our land by other Indeans and sued me in y^e^ massachusets, I produce y^e^ summons for proofe & though but two named yet y^e^ third unnamed knowne to have moste complayned of us & moste concerned ‡

& y^t^ y^e^ verdict and Judgment was for our true title in y^e^ s^d^ land I shew y^e^ verdict & Judgment therupon

6ly That 3 of patuxet men did agayne put us to arbytration and y^t^ y^e^ s^d^ award aproved our title agayne, I shew y^e^ s^d^ award to prove it

7ly That 2 Arbytrators came from the massachusets & 2 from Rhod Island, & not only soe but y^e^ s^d^ Collonyes consented to an arbytration theraboute, & for proof produce theyr actes

8ly That we remayned in quiet posession for twenty years after our first, Just, & peaceable posession by purchas, by right, by 2 awards, by 2 verdicts & Judgments which by reason and law is more quiet and peacable posession then if we had never bin sued nor our land demanded, for y^t^ is y^e^ lawfullest quietest posession y^t^ soe is by law, & y^e^ oftener quieted by law in & by law y^e^ more quiet & such title y^e^ more quiet & peacable in law, for a posession y^t^ is not from a true title may be held for

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* The "Towne Evidence" is dated "The 24th of the first Month Comonly called March in the second yeare of our plantation" (*Prov. Rec.*, iv: 70).

† The "Pied piper of Hamelin."

‡ The reference is to his case with Arnold and Carpenter in 1650.

twenty years without demand or suit & yet be afterward demanded sued & evicted by law by some persons return from beyound ye sea, to sound minde &c, & by writs of formedon & longer, therfore we have had : quietest : posession in & by law longer then aforesd

9ly yt John Harrud & others his partnors fled from ye Collony of Conecticot is true & well knowne there & if any acuse me of Slander I will prove it here

10ly That they entered upon our land by force, we have record of a verdict & Judgment theron to produce to prove it

11 And yt they rezisted execution ye sd record & theyr owne acts divers wayes proves, And soe my petition to ye Kings Majesty true

by me
William Harris

[Cushman Papers.]

61

Harris's Declaration Against Towers, 17 November, 1677.

Endorsed :— A declaration against John Towers

To His Majestyes Honnored Courte Siting at Providence ye 17 Nov 1677

The declaration of William Harris, Nathaniell Waterman, & Thomas ffield all of providence in ye Collony of Rhod Island & providence plantations &c playntiffs & demandants in an action of trespas of a plea of land twenty pound starling damage, bearing dat ye 25 of Septem 1677, against John Towers of Hingham in ye Collony of Massatusets defendant or tenant in law or by force, Is, that ye sd John Towers defendant did under pretence of a grant from Indeans bearing date ye 17th of June 1661 of certayne lands at or aboute toskaunkanet within ye towne ship of providence lying on ye northward

syd of patuxet River & on ye southward syd of a line yt is to devid betweene ye lands of providence & ye lands of patuxet ye sd lands clearly within ye boundes of ye lands of patuxet & are reaching very neer (to say) aboute a quarter of a mile from ye place where on ye playntives house (to say) of william Harris then stood :* & before did for above twenty years & from this time ye sd lands of patuxet held peacablely & theyr rightfull title & posestion hath bin therin about or neer forty years Justefyde by two awards one of them by ye consent of ye Collonyes of Massachusets & Rhod Island, & by a verdict & Judgment in ye Massachusets, & by another verdict & Judgment in ye Collony of Rhod Island &c, which we to ye Court shew upon which our soe true title & long posestion which we hold by a grant from Conounicus & meantenomy both ye oldest & Chiefest sachems of Narraganset which we produce and shew of moste antients date & by a grant by Mr Roger williams which we shew, & by deeds of confirmation from ye laste Conounicus, nenekela, Cajaniquanut, Scattap & quequaqunnuet gransons to ye sd old Conounicus bearing date 1659 all before ye defendants pretended grantes, (from such as had noe power to grant) as we shew & prove, & ye kings grant a suffitient grant of it self in ye patent of Rhod Island we have to shew, & contrary to ye law of England yt giveth title to ye posessor if not demanded by action within twenty years 21 K James & 16, ye sd defendant hath entered by force unlawfully & yet holds against good law, which forced us as others did, to goe to England to petition ye kings Majesty for remedy haveing noe other way by reason of ye factions & sydings made by such enterors to our great & many troubles & charge for his part to our damage of twenty † pound & therfore bring our action of trespas of twenty † pound starling, he haveing sold some of

* The tradition in the Harris family is that his house stood near the south end of Blackmore pond, a little to the eastward of the brook running from the pond, at which place could be seen well into the nineteenth century the relics of a former habitation and the remains of an old orchard.

† This word is crossed out and "tenn" written above in another hand.

our s^d^ land for thirty pound to M^r^ Adkinson of Boston * as he s^d^ & some to others which forceth us to complayne & declare our grieveance, And make our demand of our s^d^ land & commit this Issue to y^e^ good Country who hath y^e^ best & truest title to y^e^ s^d^ land we y^e^ playntives & demandants acording to our proportions or they y^e^ defendants or tenants in law or by force & pray Justice in y^e^ case, in behalf of Thomas ffield & Nathaniell Waterman theyr aturny & in his owne behalf & right, playntive & demandant,

William Harris

[Cushman Papers.]

62

HARRIS'S BILL AGAINST TOWERS, 17 NOVEMBER, 1677.

Endorsed :—Bill Cost vs John Tower

To y^e^ Kings Majestyes Court siting at providence upon ajurnment y^e^ 17^th^ of Novem̄ 1677 And then to y^e^ sd Jury

Wheras I demand by action against John towers for trespas buy his pretended purchas made of our land of patuxet, at toskaunk & Saconaset That soe much I am damaged I make it thus apear (to say) ten pound

	£	s.	d.
I have bin forced for to goe twice to England to Implore y^e^ Kings Majesty for redres, once y^e^ kings order shewes I have bin there my expence of y^t^ one viage was fifty pound five pound ther of put to John Towers damga done to me	5	0	0

* Probably Theodore Atkinson (1612–1701).

	£	s.	d.
his part of my charg 2li, for yt his suit is one of five & ye entertaynment of about 30 gentlemen three times or three times comeing to, his part 2li	20	0	0
payde by me 3s for a coppy of his grant for proof of yt his trespas	00	3	0
for ye optayneing ther of forced to goe to boston	00	10	0
for coppyes purchased for proof of our title	00	10	0
for divers dayes formerly tending ye sd ocation & runing & rideing after hime to atach him with severall persons	00	5	0
for disparageing our title, & incorageing others so to doe, to our soe great perplexety, & to his part of trespas which forced us to goe once before to England to petition ye Kings Majesty for remedy which forced to (or lose my title to ye sd land) & divers other wayes Charged & by length of time forgott	01	12	0
The whole	10	0	0

besyd court Charges through & by his trespas therfore his due to pay yt to ye Courts order

And to me ye above sd tene pound, acording to ye vallue of sillver or silver to me

William Harris

[Cushman Papers.]

63

HARRIS'S BILL AGAINST TOWERS, 17 NOVEMBER, 1677.

Endorsed:—Bill of Cost against Towers £19: 19s: 4d

William Harris & Partners Plaintiffs, their Bill of Cost in an Action agat John Towers, at a Court of Comissionrs held at Providence by Adjournmt ye 17th Novr 1677

	£	s	d
ffor serveing the Somons	00	05	00
ffor A journey to Boston	00	10	00
ffor Wrightings	00	10	00
ffor Entertaining of Court & Jury &c	05	00	00
ffor Comisionrs & Jurrors Charges for their time, and Attendance	12	07	04
ffor the marshalls fees	00	02	00
ffor the Clarkes fees	01	05	00
This Bill of cost amounting to Nineteene Pound Nineteene shilling and foure pence, is Alowed by ye Court to be payd in or as money.	19	19	04

Tho Hinckley Presidt

[Cushman Papers.]

64

HARRIS'S BILL AGAINST HARRUD AND OTHERS, 17 NOVEMBER, 1677.

Endorsed:—Bill of Cost against John Herrod, Roger Burlingame Thos Relf & William Burton 17 Nov 1677.

To his Majestyes Court siting at providenc by Adjurnement ye 17th of Novem 1677 & then to ye Jury

Shewing how one hundered & fifty pounde damag demanded by an action of trespas &c by us demandants against John Harrud Roger Burlinghame Thomas Relf & William Burton tenants by force at y^e^ s^d^ court Ariseth,

by charg upon one vioyage for goeing to England to pray a remedy against y^e^ s^d^ trespasers by force, y^e^ s^d^ Charge forty pounde—they therof for theyr part seventeene	17	0	0
by a second vioyage to England to petition y^e^ Kings Majesty to grant an order for redres of y^e^ s^d^ wrong by theyr force commited at Meshuntatack fifty pound y^e^ whole vioyage, theyr parte	15	0	0
by twelve years detaynor of y^e^ land there foure thousand acres and forty loads of hay takeing theron to theyr use yearly for twelve or forteen year to gether (to say) four hundared & eighty load of hay at sixty pound, theyr payment should be at	60	0	0
for y^e^ use of y^e^ s^d^ great quantety of land 4000 acres by force theyr trespas to y^e^ vallue of forti pound in y^e^ s^d^ twelve or fourteen year	40	0	0
for damage by an areste & imprisonment of me for carrying away my owne hay (to say) 3 or 4 monthes in prison & to my great vexation and sore trouble they dealing with me by y^e^ waye unlawfully to my damage of	15	0	0
for y^e^ entertaynement of aboute thirty persons (to say) Gentlemen Court Jury			

& atendants three time to y^e^ s^d^ end y^e^ whole sum 25 pound, theyr part two pound	2	0	0
And damage by charge of runing lines to try y^e^ truth of maters ther aboute, for Coppyes of many writings, time ther about long Jurnyes, above five hundered miles late travell (I might say & truly more then twenty pounde but only set downe to make y^e^ sum but y^t^ demanded	1	0	0
The whole sum of damage done to me	150	0	0

be syde Courte Courte Charges William Harris

[Cushman Papers.]

65

Harris's Bill against Greene and Gorton, 17 November, 1677.

Endorsed :—Bill of costs vs John Greene & Sam^l^ Gorton 17 Nov 1677

To the Kings Majestyes Courte Siting by Adjurnment the 17^th^ of Novem̄ 1677 And then to y^e^ Jury

Shewing how the sum of one hundered pound ariseth demanded by us of Captayne John Greene & M^r^ Samuell Gorton Junior and y^e^ towne of warwick, And the purchasors of y^e^ sd towne by our action against them at the sd Court

ffor theyr trespas on our land at toskaunkanet forced us to make a vioyage to England aboute fourteen years since for a remedy for y^t^ by reason of interest and kindered here allmoste all persons here byased, therfore forced to petition to y^e^

kings Majesty for Justice which s^{d} intention frustrated by y^{e} kings Majestyes commitionors then to come but avayled not the s^{d} Charge to England forty pounde and at y^{t} time y^{e} s^{d} trespasers one of y^{e} greatest partyes to great damage to theyr parte one of three, theyr parte ten pound	10	0	0
Allsoe enforced me a second vioyage for y^{e} s^{d} cause theyr trespas at Toskaunkanet, wher they have cutt our gras aboute fifty or sixty loade in each year untill y^{e} war for about 14 years past as our witnes shewes which is more than five hundered load to y^{e} vallue of sixty pound	60	0	0
And my last vioyage to supplicate to y^{e} king for a remedy fifty pounde theyr part ther of fifteene pound	15	0	0
by continuall perplexetyes & Charge for our defence at severall courts unjustly damaged us—more then fifteen pounde	13	0	0
for theyr part of ten pound for y^{e} entertayneing aboute thirty gentlemen three times meeting,	02	0	0
with divers other continuall small payments for runing lines & geting coppyes for proof & by length of time much for gott			
The whole Some	100	0	0

besyde other court Charges theyr due to pay y^{e} complaynant Soe prayeth William Harris

[Cushman Papers.]

66

HARRIS'S BILL AGAINST CALVERLY AND OTHERS, 17 NOVEMBER, 1677.

To y^e^ Kings Majestyes Court siting by ajurnement 17th of Novem̄ 1677

And then to y^e^ Jury

	£	s	d
Shewing how y^e^ sum of 100^li^ ariseth, by one vioyage to England to Implore y^e^ Kings y^t^ Charg 40^li^ theyr part	10	0	0
a second vioyage to pray a remedy of y^e^ King for our wrongs, 50^li^ y^e^ whole, theyr partes	15	0	0
for detayneing with y^e^ rest our lands 4000 acres of land & medowes for 12 or 14 years and rayesed & kept great stockes of cattell for theyr parts	30	0	0
for great Charg all y^e^ time at Courts here & aboute Arbytrations	30	0	0
for Charges about optayneing writings to this Court		10	0
for theyr ocation of most Charg not yeelding to y^e^ speedyest ending caused me much paynes & cost	1	0	0
for an Iron grapnell aboute the sd ocation by them ocationed & by me payd for to Christopher holder I think it was 13^s^ mony price		13	0

by an arest & Imprisonment, & great vexations upon y^e^ way threattening me to thresh me takeing me themselves under pretence of a writ & kept me by watch day & night & Charged me with a great some for y^e^ sam & kept me in prison till y^e^ then next court & then brought nothing against	10	0	0
for theyr parte of my Charg to entertaynement of this court aboute	6	0	0
for summoning 20^s^	1	0	0
with divers other things for gott but I demand but 100^li^ in silver—the whol sum	100	0	0

they paying charge of y^e^ Courte

by William Harris

[Harris Papers, p. 109.]

67

Williams, Dexter and Fenner to the Court, 17 November, 1677.

Endorsed:—To the Honourable Court sitting by virtue of his Majesty's order now in Providence from R. Williams Gregory Dexter Arthur Fenner 1677

We whose names are under-writen in this juncture of time cannot forbear but declare to you those things which live pressing upon our minds having respect to the honour of the king and the Governors of the 4 colonies, honour and the safty of yourselves. Therefore present this to your consideration viz. for as much as in the order given by the king at

Hampton Court the 4th day of August 1675, Thus it is said, Whereas our subject William Harris planter, in the colony of Rhode-Island did by his humble petition set forth, that he and twelve others his partners near forty years since, purchased from certain Indians a parcel of land called Pawtuxet. And now the said William Harris declareth that they bought Pawtuxet of Mr. Williams, who is no Indian, also William Harris further saith that Pawtuxet was given unto Mr. Williams and they gave him £20 starling, and said it was not bought but given.

More things we have to present, if we be not barred from appearing to answer to his declaration against us.

Make use of these at your pleasure till more comes.

By us who desire no more favour than justice will allow us.

Providence 17th of November 1677.

Roger Williams
Gregory Dexter
Arthur Fenner.*

True copy compared by me on this 3rd day of 7th month (July) 1833

Moses B. Lockwood.

Another copy is marked :—"A true copy of the original in the handwriting of Roger Williams now in the possession of Mrs. Z. Allen, as compared and examined by Zachariah Allen." June 16, 1858.

68

Williams, Dexter and Fenner to the Court, 17 November, 1677.

Endorsed :—Our Answer to William Harris his Declaration.

To the Kings Majesties Honoured Court, sitting by

*On 27 October, 1677, the town of Providence had chosen three men to answer the complaint of Harris (*Prov. Rec.*, viii: 21).

vertue of his Majesties Order, bearing date at Hampton Court, the 4th of August 1675, and 27th yeare of his Majesties Reigne, for the hearing & determining differences, as to Pawtuxit at Providence, in the Colony of Road Island & Providence Plantations, &c the 17th of November next.

The Answer of Arthur ffeñer & Gregory Dexter, to the Declaration of Thomas ffield & William Harris of Pawtuxet & Providence, In the said Colony complaynants & demandants, in an action of trespasse; tenants by force (as they say) as also against the town of Providence, bearing date the 13th of October 1677.

Now let us crave your patience to premise two things to this Honoured Court & Countrey. ffirst, that you take notice, that we are constrayned here to appeare and give answer, wch is contrary to the graine of or minds, being desirous to be at quiet, and to follow or own busines, being fired out of or houses,* as well as others, & are preparing for winter, & to have nothing to do with this Asembly: And to attain quietnes, one of us have moved to William Harris twice, & to Thomas Field once, to withdraw their action, but no prevailing.

The second is this, to take up the words of or Town, in Answer to William Harris his Bill, which he lately presented to them viz. That it is Lamentable to us to behold your work, and to see the way that you yet do prosecute (as appears by your writing) in this day of the Lords great judgements, that have bin, & yet are, in some of these parts of the world; & now to trouble us! & all the Colonyes about us. But seeing that the said judgements do not yet deterre you from striving so vehemently about Lands! Lands! nor for damage about differences, & to lay the damage at our dore, &c.

And Thus next to or Answer multum in parvo. We shal begin with the words of a wise King, He that is first in his own Cause seemeth just: but his neighbour cometh & search-

*Doubtless a figurative reference to the burning of Providence by the Indians.

eth him.* The Complaynants & demandants say that mr Dexter & Captain ffener have bin very active, leading instruments to carry on a difference, with divers ꝑsons, after comers, of the said Town of Providence, under the name of the said Town. Answer that when William Harris in Governour Brentons time strove against this town, the Generall assembly j[usti]fyed them, & owned their choice of deputies. The next that is worth taking notice of is. These complainants and demandants say, underhand another designe, for by pretence of Providence little old bounds (much stood upon) wherein Gregory Dexter could not in his understanding against jurisdiction by the same claime his land his due, would by force if he could, overthrow that Title for a worse (but bigger) think with a multitude of trespassers, by force, to inforce their way, as by their papers & acts we shal prove, & not only so with his party of Providence, but with another party of Road-Iland in a parcel of Land 13 mile square, bounded by Providence line, wch if he could make his matters take by his multitude to diminish or nul Providence, Pawtuxit & Warwicke intangled to him by jurisdiction then with his party of Road-Iland with him, who have some sway in Courts, may place his 13 mile square (to say) as much of it, as can be contained on the dimminution of Providence & Pawtuxet, for by the name of the line of Providence, Pawtuxet is bounded so is his 13 miles, so that to come to the line, must lay their land, on Pawtuxet Land, & lack [room] must have Providence, & more, & so bury Pawtuxet, not then thinking of any other Court or Jury, but some of their, or his Party, should be in it, to help at a dead lift, neare hand. Answer If this were true, then Gregory Dexter, would appeare to all men that heares hereof [to] be a covetous man after Land and vile: But this is not true, for it is a notorious Slander, & he or they that uttereth slanders, is a —— what he is I leave to the Court to Judge, for I have neither directly, nor indirectly any part in that 13 miles of land, & now

*Proverbs xvii: 18. The revised version reads: "He that pleadeth his cause first seemeth just."

where are the Company of trespassers whereof these men speak, by force to inforce their way, but as the man is, so is his strength. And now to that, not thinking of any other Court or Jury, but some of his or their party should be in it, to help at a dead lift, neare hand. Answer the first part of this is true, I did not think of any other Court or Jury, about Pawtuxet, because William Harris promised to put his matter contraverted to arbitration with Shantatuck men, & if he had not broke his ingagement, I suppose no Court nor Jury now would have had need to have bin. And againe he [sayeth Gregory Dexter could not claim] his Land his due & hath rendred his reason, w^{ch} afore [I have said is false, that is not mine. But I will tell you the truth (for no man knoweth the things of a man save the Spirit of a man that is in him) viz: because I fear least that saying come on me which is written, as a partridge that setteth on her eggs & hatcheth them not, so he that getteth good (or land) and not by right, shall leave them in the midst of his days & dye a fool.*]

ffurthermore they say their title standeth upon great Rocks, & argues largly. We answer your building is so high of 12 miles as you say, & others say tis 20 that we dare not climb up with you, least we fal, and split upon that Rock of Eliz: 5 chapter† against fraudulent procurers of deeds & their accessories, see the Law. moreover they say it is just we should have o^{r} right, & the said Gregory Dexter & Captain ffen̄er, & they that called themselves the Town should pay the dam̄age, they have done, as in keeping us out of o^{r} known rights, so long, & forcing us to go to England, to pray a remedy, with their many more troubles & charges then here

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*Jeremiah, xvii: 11. Verbal variations from the King James' version imply quotation from memory.

†*5 Eliz. ix:* "What punishments shall be inflicted upon persons who commit wilful perjury." Against this act, is his copy of the *Statutes*, Harris wrote: "17 Charles ye, 1, & 10th st ye star chamber put downs & all courts exercising like Jurisdiction."

resited, nor can at present be remembred, to great disturbance, of neighbourly, & publike peace, & against good Law &c. We answer we have before cited how they who called as he (saith themselves the town was owned the Town by a Generall Asembly, & Arther ffeñer was also prosecuted by William Harris at a General Asembly, & he acquitted by his peeres in Governour Brentons day, & Gregory Dexter also was Indicted by William Harris upon the same accompt at Governour Arnolds time, & the Indictment quashed, & for he or they thus to slur both Town & ꝑsons &c, what shal we say, but he that loveth strife loveth transgression. But they say they were forced to go to England to pray a remedy. Answer your remedy which you have got we know, viz. to have yr rights at Pawtuxit given you according to Justice, wch Pawtuxet you set forth to the king in Councel, wch you and your 12 partners bought about 40 yeares since wch Pawtuxet we know not that you so bought, but when we know it we shal answer, but as for that Pawtuxet wch was given to or loving neighbour Williams, we know, we nor the Town hath not withheld from you, but have run a line or partion according to the arbitration or Combination, &c. therfore to pray a remedy for this, you needed not, & so you have no cause to call for damage at or or the Towns dore. Againe they say their known rights, we Answer, we know that you would have as you say to pilhunset pond to be accounted yrs, but if thither or further be honestly bought, then we say the Town hath of right equal share with you, in all that Land wch is not Pawtuxet: but to run a line of partition upon your foundatiō you speak of, or other grounds wch we are not ignorant of, we say we dare not for the reason aforesaid, unles you can prevaile with our neighbours in a better way than you take, even to ꝑswade them of Warwick Town to lay down their purchasse your 2 partners theirs, Stephen Arnold his, Shantatuck theirs, &c at the South, & ꝑswade or neighbour Colony of the Massachusets at the north, to let or Town and the men of Pawtuxet have about 8 miles into their Patent, & Mendon Towns Land on the west side of that River, & ꝑswade also Billins to Lay down his Land, &

Inmans* his, then, & not till then will it be faire to talk of such a ꝑtition to the men of Pawtuxet, wch when that is, we do not think to live to see, Notwithstanding we are willing to referre this issue, to the Jury viz. whether that Land, from the Salt water to the East of Pawtuxet reaching unto the pond called Penhungasset wch he saith is 12 miles west, (and others say 20) be Pawtuxet that he declared to the King in Councel, wch he & his 12 partners bought of divers Indians about 40 yeares since, wch if he can prove, then we will confes his Action just, against us &c. but if he cañot prove that, then we desire dismission, & aford us in Justice, for this molestation as you please

In the behalfe of or selves Arthur ffeñer & Gregory Dexter, & so in the behalfe [of the town of Providence this 17th of the 9th Mo. called November 1677.

Gregory Dexter
Arthur Fenner

I subscribe to the premises so far as concerns the town for whom I was chosen one to Answer

Roger Williams]†

[Cushman Papers.]

69

CALVERLEY TO THE COURT, 17 NOVEMBER, 1677.

Endorsed:—The defendts Answer

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*Edward Inman, in 1666 and 1669, had purchased two large tracts of land between the Woonasquatucket and Blackstone Rivers in what is now North Smithfield. (See F. A. Arnold "The Inman Purchase" in *Narr. Hist. Register*, vi: 49-92.)

†The lower part of the original MS. is cut off. A note on the margin in Moses Brown's writing reads—"Dated 17. 9th Mo called November 1677 Taken off for Sprge of Albany to preserve the handwriting."

The lost parts here and on the previous page are supplied from a copy made by Moses Brown and are so indicated by brackets.

Providence, in ye Collony of Road iland, &c, ye 17th of november 1677

To ye honored Cort of Comitioners, Chosen & Apointed, by his Majesties Spetiall Comand, to heare & determine, in a Cause or Causes, hearin depending, betwixt Nathaniell Waterman Thomas feild, & william harris, All of pautuxett: & providence, in sd Colony plantiffs, or demandants, in a plea of Land (As they say) Against John Harrud, Roger burlingam, Thomas Relfe, Edmund Calverley, William Burton, James Sweet, John Sweet & others defendants Against whome ye plaintifs by ther Atorney, William harris, hath in their declaration Charged ye defendants with sundry Crimes & innormities, done by ye defendants, on ye 13th or 14th, of may 1663 At a place called meshantetack, within ye bounds of pautuxett &c, in sd Collony ye plantiffs in ther sd declaration in ꝑticular Charge ye defendants, ffor unlawfull ꝑchasinge, ye plaintiffs lands, to the nomber of fower thousand Ackers of Land, Lying in sd mashantetake in pautuxet bounds affores[d], and y[t] ye defendants have entred by force into ye sd lands, And still doe hould them, by force &c unto All which Charges, & demands of ye plantiffs, in ther said declaration, The Deffendants doe Reply And say.

That ye sd plantiffs have noe Lawfull tytle unto ye Lands off sd mashantetacke, or mashantetate, in ye sd Collony, nor doe ye sd lands Lye within ye bounds of pautuxett ꝑchased by William harris & twelve moor of his ꝑtners, about forty yeares [since] as is ffalsly surmised, to ye kings majestie, by ye sd Complainants or demandants William harris &c, But ye sd deffendants doe say, y[t] they have Lawfully ꝑchased, by order of sd Collony cort 4000 Acers off land, being in or About s[d] mashantetate &c in sd Collony, of ye trew owners theroff, And peaceably entred therinto & doe hould their right of Claime ther unto, to be Lawfull Just and good, without ffraud or deceipt, notwithstanding ye great molestations y[t] ye s[d] william harris & ꝑtners, hath brought upon ye deffendants & s[d] ꝑtners for ye space of thirteen or fowerteen yeers past, to ther

great Cost & damage therfore y^e^ deffendants pray, to be dismist with good Cost for ther unjust mollestation And plead not guilty.

Edmund Calverley Atorney

[Cushman Papers.]

70

PROCEEDINGS OF COURT, 17–24 NOVEMBER, 1677.

Att A Court of Com̄ition^rs^ held at Providence upon adjurnm^t^ from y^e^ 3^d^ Oct^r^. 1677 unto the 17^th^ Nov^r^ 77 By his Maj^ties^ Royall Com̄and for y^e^ heareing of m^r^ William Harris & partnors Complaynts against Sundry parsons for forceable Entry upon there Lands (as he saith) at or about pawtuxet:

from Plymouth	Thomas Hinckly Esqu^r^: Chosen Presedent
	Major James Cudworth Esqu^r^: Comition^r^
from Boston	M^r^ Symon Lyne Comition^r^
	Capt Dainell Hinchman: Comiti^r^
from Conneticute	Capt Georg Denison Comiti^r^
	M^r^ Dan^ll^ Wetherrell Comitio^r^
from Rhoad Island	M^r^ John Coggeshall Comitio^r^
	Peleg Sanford Comitio^r^

Returned for Jurymen from Boston

Corperrall William Bond
M^r^ Peter Woodward Jun^r^
M^r^ Samuell Gyle
M^r^ Samuell Bulling

ffrom Plymouth	Leif^t^ John Browne: Challenged of
	M^r^ John Alline
	M^r^ John Pecke challenged of
	M^r^ Gilburt Brooke

ffrom Conneticute	Mr Amos Richinson: challenged of
	Leift Benj. Bruster
	Mr James ffitch
	Mr John Edgcombe
ffrom Road Island	Mr William Brinley
	Ensigne John Crandall: challenged of
	Serjt John Stanton
	Mr William Haffernan*
	Henry Harwood Marshall protempory
	Corperall William Bond foreman
Juriors allowed	Mr peter Woodward Junr
	Mr Samuell Gyle
	Mr Samuell Bulling
	Mr John Alline
	Mr Gilburt Brooke
	Leift Benj Bruster
	Mr James ffitch
	Mr John Edgcombe
	Mr William Brinley
	Serjt John Stanton
	Mr William Haffernan

You doe Sweare you will well and truly try the Issue Betwixt party and partyes according to Evidence Soe helpe you God:

This Court is adjurned untill Monday Next: at Eight a Clocke in the Morning

Mr William Harris, Thomas ffeild and Nathaniell Waterman of providence and pawtuxet: plantives and Complaynants in an action of Tresspas, of a plea of Lands of and att Said paw-

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* The jurors not previously mentioned were Bruster or Brewster, of New London; James Fitch, Jr., of Lebanon or Canterbury, a nephew of Hill; Edgecomb, of New London; Stanton, of New York; Heffernan, of Newport and Pettaquamscutt. Harwood was of Boston, and Casco, Maine.

tuxet &c: against John Towers of Hingam defend^{t} as by the somons dated Septem^{r} 25th day 1677 damage tenn pownds sterling

In the Case Betweene William Harris, Tho: ffeild and Natha: Watterman plantives and Jn^{o} Tower defendant Wee finde for the plantives true tittle of Land thare shares thereof and thirty shillings damage to bee paid in mony and Cost of Court:
The Court accepts the virdect:

Thomas ffeild and William Harris Complaynants and demand^{ts} in a plea of Lands against the towne of Warwicke and the purchasers of the said Land Called Warwicke and Cap^{t} John Greene and M^{r} Samuell Gorton Ju^{r} Both of the towne Councill of the towne of Warwicke tennants by force as By the somons dated y^{e} 15: Octo^{r} 1677. damage one Hundred pownds sterleing
Virdict is: Wee finde for the plantives trew tittle of Land thare shares thereof and twenty pownds damage to bee paid in mony and Cost of Court: The Court accepts the virdict

Thomas ffeild and William Harris Complaynants and demand^{ts} in a plea of Lands at pawtuxet against M^{r} Gregory Dextor: Capt Arther ffenner and the towne of Providence, tennants by force, In not Runing an Equall Lyne Betweene pawtuxet River and Wenasquetuckett River: as by the somons dated the 15 October 1677 damage tenn pownds sterlinge
Virdict is, Wee finde for the plantives two pownds in mony damage and Cost of Court and alsoe that the said defendants R[un the afore]said Line Equally Betweene pawtuxet River [and] Wenasquetucket River till they meet with a thwart Line from the head of Wenasquetuckett River directly Runing to pawtuxet River: The Court accepts the virdict

Thomas ffeild Nathaniell Watterman and William Harris all of pawtuxet & providence &c Complaynants & demand^{ts} in a plea

of Lands at Said Pawtuxet, Against John Harrud Rogger Burlingham and Thomas Relfe tennants by force as by the somons dated ye 15 October 1677 damage one hundred and fifty pownds sterling

Virdict is, Wee finde for the plantives true title of Land thare shares thereof and thirty pownds damage to Bee paid in mony and Cost of Court. The Court accepts the virdict

Nathaniell Watterman Thomas ffeild and William Harris Complaynants & demandants in a plea of Lands at pawtuxet, against Edmund Calverly tennants By force as By the somons dated the 15 October 1677 damage one hundred pownds starling

Virdict is Wee finde for the plantives true title of Land thare shares thereof and five pownds damage to bee paid in mony and Cost of Courte The Courte accepts the virdict as to the title of the Land, it being Comprehended in the plantives action against John Harrud, Roger Burlingham and Thomas Relfe &c and tharefore the damage and Cost of Court Wee see Cause at prsent to susspend untill further Consideration*

Att a Court of Comitionrs held at ℣vidence in the Collony of Rhoad Island and ℣vidence plantations &c By adjurnment ye 17 Novemr 1677 by his Majties Spetiall Comand

To Mr Thomas Olney and Mr John Whipple Assistants of the Towne of ℣vidence Greeting &c. You are in his Majties Name Requested & Impowered to order Comand & See Geo: Way towne Serjent of ℣vidence give possession unto Mr William Harris, Tho ffeild & Nathaniell Watterman of the Lands on the south side of the pertion Lyne that shall bee Run Betweene ye Rivers of pawtuxet & Wenasquetucket according to the

* The order of the Court requiring Providence to run a dividing line between the Woonasquatucket and Pawtuxet is here omitted, since it is printed in *Prov. Rec.*, xv: 174. The order to Way is also omitted, being printed below (No. 73) from the original document.

Reale and true intent of an order Granted forth unto him from this Court Beareing date y^e^ 24^th^ Nov^r^ 1677 Requiering him the said Geo Way thereunto:

Given under our hands y^e^ 24^th^ Nov^r^: 1677

Symon Lyne	Thomas Hinckley president
D Hinchman	James Cudworth
Georg Dennison	Peleg Sanford
Daniell Wetherrell	John Coggeshall

[On another paper, apparently a copy or draft of the foregoing, is the additional paragraph which follows:]

At his Ma^ties^ Court at Providence held ℔ adjournm^t^ the 17^th^ November 1677.

Cap^t^ Peleg Sandford is Requested and hereby Impowered to appoint some meet Person as a Clarke. To Transcribe and write into a Booke; the severall Pappers declarations sumons Evidences and writings; of the five severall accons heard Determined and Judgements thereof passed by this aforesaid Court (comitted to his custody); and to administer oath to the said Clarke for the fidellitie of his dutie; and that the said Cap^t^ Sandford Returne the said Booke and Records as aforesaid, unto this Court the 23^th^ day of May next to be held at Boston; To w^ch^ Time & place this Court is adjourned.

[Cushman Papers.]

71

Deposition of Field and Steere, 19 November, 1677.

Endorsed by Harris:—The testamony of John Steer & Zacary ffield proveing y^t^ wanasquetucket River runs up into y^e^ Country twelve or 14 mile

Zachary ffeild of the Towne of providence being Engaged acording to law testifieth as ffolloweth, that the head of the

river called Wanassquatuckett River, is aboute twelve or fowerteene miles from the hill Called fox his hill: in disstance westwardly from the sayd hill or neere there aboute,* this this deponant sayth is truth and further sayth not,

Taken upon oath this: 19th day of November 1677 before me John Whipple Junr Assistante.

John Stere of the Towne of Providence being Engaged acoring to law testifieth in all resspects to the Truth of the above-sd tesstemony of the sd Zachary ffeild,

Taken upon oath this 19th: day of November: 1677: before me John Whipple Junr Assistant:

[Cushman Papers.]

72

DEXTER AND FENNER TO THE COURT, 22 NOVEMBER, 1677.

Endorsed:—Arthur Fenners reasons why the Town of Providence should not pay the damage demanded by Wm Harris—22d Nov 1677.

Reasons why ye towne of providence should not pay any damage to William Harris presented to ye Court and jury this 22th of ye 9th month 1677. by adjournment

[ffirst] this towne hath not bin sued at all by a writt of partion [B]ut for him to goe to England, as he saith to pray a reamidy to ye king [in] Councill for 10li damage, & thus to Trouble this coonttrey [alsoe be]fore he hath sued here, Lett yt be considered.

*See Olney's and Hawkins' testimony under date of 21 October, 1670. (No. 33, p. 102.)

[The] second is, That he would have partition betwixt [two] Rivers, but knows not to what branch of thre[e confessing he] never did see them Therefore why we should be [damified by wa]lking y^e^ wildernesse with him, judge ye.
[More] reasons we have but we will not [adde nore to y^or^ heavy Load of y^e^] sittings

Gregory Dexter Arth[er ffenner]

In the behalfe of our selves & so for the Town

[Cushman Papers. The words in brackets are supplied from a transcript evidently made before the document came into its present mutilated condition.]

73

COURT'S WARRANT TO WAY, 24 NOVEMBER, 1677.

Endorsed :—Georg Wayes retorn of his warrant.

Att a Court of Commitioners held at Providence in the Collony of Rhoad Island & Providence Plantations &c: by adjurnment the 17: Novemb^r^ 1677 By his Maj^ties^ Spetiall Command &c

To George Way Towne Serjent of the said towne of Providence Greetinge &c.

You are in his Maj^ties^ Name hereby Requiered, and strictly Commanded: after those men that shall bee deputed by the Said towne of Providence: hav Runn the thwart Line from the head of Wenasquetucket River to Pawtuxet River: and the Lyne of devition, Betweene the afore Said Rivers of Pawtuxet and Wenasquetucket according to the virdicts of Jury, and Judgments of Court thereon &c: forthwith [to deliver po]ssition of [the] Lands Lying on the South side of the said Lyne of pertition, that Runns Betweene the Rivers of Paw-

tuxet and Wenesquetucket, unto m^r^ William Harris, m^r^ Thomas ffeild, and m^r^ Nathaniell Waterman all of Pawtuxet, and Providence, to be possesed by them according to theire Respective parts and shares thereof you are alsoe Requiered to make a true Returne of your proseeds herein, unto some one of the Commition^rs^ of the Said Court hereof fayle not as you will answere the Contrary:

Given under our hands the 24^th^ day of November: 1677:

Simon Lynde	Thō Hinckley P^r^sid^t^
D Henchman	James: Cudworth
George Denison	Peleg Sanford
Daniell Wetherell	John Coggeshall

This warrant was retornd by y^e^ said Georg Way to y^e^ Court of Comission^rs^ sitting by Adjournment at Providenc on y^e^ 18 June 1678 declaring that he had not executed y^e^ same because they had not agreed to ꝑfect y^e^ running of the foresaid lines*

Thō Hinckley P^r^sid^t^

[Cushman Papers.]

74

HARRIS TO TOWN OF PROVIDENCE, 6 APRIL, 1678.

Endorsed by Harris:—my bill to y^e^ Towne y^t^ we wear Redy to commit y^e^ Judging & Settelling of y^e^ head of wanasquetucket River to such as we should Chuese equally but the s^d^ towne refuseth

Whereas his Majestyes Court y^t^ sate y^e^: 17^th^: of november last, And upon y^e^ Verdict given by y^e^ Jury in a Demaund betweene some of pautuxett; and others of y^e^ Towne of providence, that to y^e^ head of wanasquetucket River, a line of Devition should be run, And Considering y^t^ those of pautuxett

* This return is in Hinckley's handwriting.

y^t^ desired it need not be required to doe it, but those y^t^ oposed it, (: after theire title to it of pautuxett proved to y^e^ Jury) (and theire verdict upon it) Therefore y^e^ s^d^ Court required those of providence to doe it,* yet y^e^ s^d^ Court intending y^t^ both partys should Joyntly agree as y^e^ s^d^ Court spake, but for y^t^ y^e^ s^d^ Towne of Providence (Excepting some persons) doth not at all incline any meanes of Joynt Agreement thereabout with us, demaundants, but Continue still theire former detainer of a part of our Just Right, still intending to perplexe us and trouble y^e^ sd Court and Country, our Intention of prevention of all which is as followeth (to say) we are ready to Joyne with our Adversareys of Providence to gett a Surveior or two Joyntly to put our power into their hands to fix y^e^ place for y^e^ head of y^e^ sd wanasquetuckett River, to run and Agree y^e^ thwart or right line, and y^e^ midle line of Devition betweene us &c: and what y^e^ sd seveyors doe therein or thereabout wee will abide by and Acknowledge in y^e^ sd Court openly,

And that it may further yet apeare, y^t^ we doe not desire to trouble y^e^ Court nor Country about y^e^ other part of y^e^ Issue put in tryall above y^e^ head of y^e^ sayd River as high as penhungganset whether we have not y^e^ best Right according to our proportions in y^e^ quarter part of y^e^ whole, wee are also willing to reffer to y^e^ sd surveior or surveyors as aforsayd—But if y^e^ sd Towne refuse our sd peaceable offer, or returne us a Contrary Answer or none, then wee will procecute our sd Issue put to y^e^ sd Jury at y^e^ sd Court as y^e^ law Alows and requires as we shall prove, To y^e^ sd Towne mett this: 6^th^ of Aprill:† 1678: In behalfe of Thomas ffeild and myselfe of pautuxett

William Harris:

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* On 24 December, 1677, the Providence Town meeting had appointed Arthur Fenner, Stephen Arnold and William Hopkins as a committee "to take a veiw of wannassquatuket river, and where the head of the sayd River is that soe the line may be runn acording to the verdict of y^e^ Jury" (*Prov. Rec.*, viii: 21).

† At the town meeting on this date, it was voted to refer the "Bill presented by william Harris" to the next quarter meeting. (*Prov. Rec.*, viii: 26.)

A True Coppie of a Bill Exhibeted to our Towne according to y^e^ date before s^d^, Coppied May y^e^: 20^th^: 1678 as Attest John Whipple Jun^r^ Clerke:

[Cushman Papers.]

75

Harris to Hinckley, 15 April, 1678.

Addressed by Harris:—To the Worshipfull Thomas Hinckley Esquire at his House in Bastable

Worshipfull S^r^ with y^e^ Rest of the Kinges Majestyes Commitionors, My humble petition is That y^e^ would be pleased to Concider The sore & weary travells, Great Encombarance & Charge by many wrongfull molestations opretions & hinderances by many persons for a long time And yet our cause by y^e^ good providence of God The Justice of y^e^ Court & Country hath hitherto apeared Just, yet never y^e^ les our Adversaryes are not satisfyde but continew restles & as Implakable as ever & insinuate threates of great danger, And some of our adversaryes of John Harrudes party have of late since verdict & Judgment for our title & against them fetched of some hay y^t^ stood upon y^e^ s^d^ land And lately came to burne y^e^ woodes ther to defend y^e^ fences ther calling them theyres by all which & much more theyr sending to England* or pretending soe to doe shewes more fully theyr dispozitions as I have sd & to my Cost moste certaynly found to be restlesly troublesome. And as to y^e^ men of providence (our adversaryes) they are as far from any peacable Agreement as ever they wear derydeing & condemning y^e^ verdict & Judgment against them, M^r^ Williams in theyr owne towne meeting saying that y^e^ Court & Country in

* The town of Warwick, on 29 November, 1677, had appointed Holden and Greene to proceed to England to protest the verdict (Arnold, *History of R. I.*, i: 434).

ye said case had done unjustly. And Captayne ffenner sd The Judgment contradicted ye verdict, And concidering that noe Clemency nor forbearance betters them nor puts them to any new concideration to reformation It seemeth not A mean to reform them but rather rayseth theyr transported proude pation by pryde to deryde as afore sd & too much more to recite And for that they say the Judgment contradicts ye verdict And for yt ye legallety of both Is not only ye Honnor & safty of ye Courte but our safty allsoe, And for yt by ye law of England it is in ye power of ye Court to amend any misprision of a Clerk (if any be) &c while ye case is depending in Court both before & after Judgment as in ye 9 H 5, 4 & ye sd statute made perpetuall ye 4 H 6, 3* not doubting but your worships know it, but I mention ye sd yt our reasons of our requests may therby be understood &c why I pray ye sd Jury may againe be Called who may better shew theyr true intent then Captayne ffenner by which his sd aspertion he would seem to bring ye Court under ye penalty of ye 8 R 2, 4† for Chainging a verdict. And Concidering yt ye sd Jury had Commited to them an Issue Joyned grounded upon two other partes of our grantes to which thoughe ye sd Jury wear sworne as to ye rest yet by reason of remote dwelling & ye winter Season wear prevented from giveing any verdict therupon, for want of which we are without remedy deprived of our rightes by our insulting & ungratfull adversaryes to whom we have granted too much all redy I pray Justice to defend ye rest. And if it soe be yt ye Jury wear dismised yet I pray ye Court agayne to require them And our farther reason is from ye 13 Ed 1, 25,‡ by which statute in a suit wher ther hath bin verdict & Judgment yet if he yt had Judgment agaynst him can produce record or rolles yt might

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* "Justices in certain cases may amend their Records."

† "The penalty if a Judge or Clerk make any false Entry, raze a Roll, or change a verdict . . . Fine and ransom at the King's will."

‡ The statute of the *assize of novel disseisin*, by which a defendant who had had judgment rendered against him could obtain a writ of *venire facias de novo* upon presentation of new "record or rolles."

have stood him insted or avayled him (in ye Judgment of ye Court) before Judgment pased agaynst him by ye sd law ye sd Court shall agayne require ye sd Jury and ye partyes And ye sd Jury is to pas upon ye sd papers or rolles, whenc I reson thus If ye Judges may require a Jury & ye same Jury to pas in a case between ye same persons wher a verdict & Judgment by ye same Court & Jury hath found & Judged How much rather may this Court agayne call ye same Jury to pas upon an Issue then Joyned to which then sworne but for yt time prevented & not yet accomplished Require them to apear & give in theyr verdict therupon & require ye apearance of both partyes. my encombrances are very many & only ayded by Gods Assistance agaynst my many adversaryes with many perplexetyes
They of warwick lately Arested me And my partnor Thomas ffield in an action upon a bond of five hundered pound to this Collony Court ye sixt of may next ye sd bond being obtruded upon his uncle (since ded) & me A menased worthles thing to stand to ye verdict of ye Jury and Judgment of ye Court as we did the sd action was only of trespas by us commenced against warwick which sd arest of Thomas ffield hath put him into a troublesome pation acording to his humor to encreace of my encomberance I am in ye Custody of ye Goaler but aboute my urgent ocations upon my owne bond to him to returne to him to be at ye Court, They of warwick say we have forfeited ye sd bond for sueing to ye king & in his Court but our action then was only trespas for gras &c but they pretend by our bond yt we might never sue more for our land, but ye law of England forbides any to deny suit in ye kings higher courtes If our action then had bin a demand of land which was not And as ye bond by theyr adherentes was obtruded soe it is simple like ye obtrution it names noe party nor person to whome bounde & therfore they in theyr writ doe not say for debt to them nor noe other & indeed therby we are bound to noe body, & we did abyde ye verdict & Judgment but If we had not execution had bin law but ye bond contrary & to ye law of England yet we are perplexed by them as we use to be, other slightes they have used to keep of execution one of them

came to me & sd If I would keep of execution they would call back theyr Agents yt are gon to new york to goe to England but I sayd to them let them goe I would not forbear executiō We have Information that warwick agents thus predict That they will shew ye King that they wear Judged by incompetent Judges of ye united Collonyes who formerly plundered them of which wrong say they will now complayne And yt they soe intend: they have soe sd, And Dextor hath bin very active to get them some witnesses I knew not to what perticulerly but in generall as to ye coming up of ye massachusets agaynst them they went to some here in this towne for witnes, And Roger Williams hath wrot to his friends in England to befriend them And in perticuler to ye lady Vane who promesed him such curtecy and one tould it yt heard him read it

Allsoe theyr agents of warwick sd to Nathaniell Waterman our partnor in patuxet & theyr partnor in warwick, yt we had cast them into hands of Mr Browne* (to say) meaning in to ye hands of ye granttees & Morgagees of ye Narraganset Country, & then concidering ye unyon of ye Collonyes And ye cong-quest and clayme of Conecticot who had woon ye field & would keep it & try theyr title & condemn it seeing they had not & others had Conounicus his title they wear forced to goe to ye king to get another maner of tryall And recompence for ye wrong ye Massachusets they sd had done them theyr Agents being now in England to answer did not doubt but to recover theyr damage And concidering ye Corespondency they had (& others had not) at New york A tryall would have a happy Judgment there

but when ye warwickeds (to say) theyr agents shall as they will suggest disloyallty of theyr Countrymen & flatter ye King

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*Warwick, in 1672 and 1673, had controversy with James Browne of Swansea, who with his brother, John Browne, and brother-in-law, Thomas Willet, had purchased land at Potowomut Neck from petty sachems. (See MS. Copies of Warwick Records, pp. 26–30, in R. I. H. S. Library.) Potowomut was claimed by Warwick as being within the lines of her original purchase.

Then it will be good to shew a booke of theyr great prophets Gortons dedecated to Cromwell wherein he commendeth his dealing with ye king & sayth yt he is a meror for after aiges to looke into & yt he could not well doe other wayes* And warwickmen offered up to Richard Cromwell a great fire aboute a tree & a pitch barell in ye top therof they being mistically minded most like intended a light to see: & fire to consume Richards & theyr enemyes but ye smoke & smeech therof well vewed will take of ye glas of theyr pretended laurell loyalty
besydes here seems some preparation for mony for some travelling designe but all events at ye pleasure of God to whome I commend all afayres

15 Aprill 1678 your very humble servant

William Harris

[Cushman Papers.]

76

OLNEY AND WHIPPLE TO THE COURT, 21 MAY, 1678.

Endorsed:—Thō Olney Assist & Jō Whipples retorn concrning their trust frō ye Court

To the Honrd: ye Court of Comissioners sitting at Boston by an Adjornment, May ye 23: 1678. By his Majestyes speciall Comand.

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*Gorton's *An Antidote against the Common Plague of the World*, London, 1657, was dedicated "To his Highness OLIVER Lord PROTECTOR, of England, Scotland, and Ireland, with the Dominions thereto belonging." At one place in the dedication, Gorton says: "I know not but that God hath made your Highness the mirrour of this age, as also exemplary for that to come."

Whereas at yo^{r} last sitting at Providence November y^{e} 17th: 1677: Wee received order from you by which wee were required to sumons y^{e} free men of o^{r} Towne together to make choyce of men to runn a direct line a thwart from y^{e} head of Wanasquatuckett River to Pautuxett River. And then to runn a line Equally betweene y^{e} sayd Pautuxett River and Wanasquatuckett River untill they meete with y^{e} afor sd thwart line;—The which done, then to require, & see y^{t} George Way Gave possession to william Harris, Thomas ffield, & Nathanaell Waterman of y^{e} landes on y^{e} south side of y^{e} sd partition line.

According to yo^{r} Order wee caused y^{e} Towne to meete upon y^{e} 24th day of Decemb^{r} 1677: three men were chosen to doe y^{e} worke which you ordred to be done as to y^{e} sd lines: Upon y^{e} 17th of this instant, o^{r} Towne being mett wee desired to be informed whether y^{e} sd worke was perfected y^{t} possession might be given according to yo^{r} Order, y^{t} so wee might fully performe y^{e} trust to us comitted; the answere which wee received was y^{t} y^{e} worke was not yet perfected so as to be in a Cappacitye for us to give possession;* wee have since inquired as long as time would give way, but find y^{e} work is not yet perfected, whereby possession is not performed. Thus have wee rendred yo^{r} Hon^{rs}: an account of o^{r} proceeds. Resting

yo^{rs}: to o^{r} power

May y^{e} 21: 1678:

Thomas Olney Asistant
John Whipple: Jun^{r}:

[Harris Papers, p. 93.]

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*The only action taken by the Town had been on 27 April, 1678, when they accepted the return of the committee as to the head of the Woonasquatucket river, and voted that John Smith, the surveyor, be procured to run the lines (*Prov. Rec.*, viii: 28). Olney and Whipple favored Harris's claims and had protested against the Town's act of 24 December, 1677, as not being "acording to the Comition^{rs} order" (*Idem*, viii: 22).

77

Harris to the Court, 23 May, 1678.

Honnored Courte siting by the Kings Majestyes spetiall Command at Boston the 23th of May 1678 upon Adjurnment,

My Humble petition is That for as much as by verdict & Judgment our true title & right (acording to our proportions) the propriety of the lands of patuxet is found & Judged oures, in & by such good form of law as Required by ye King his Majesty requireing as ye law allsoe doth Execution without delay we Humblely pray ye same with all convenyent speed, And pray we may have Restitution and seissin in our sd lands withheld & detayned by ye towne of warwick at & aboute Toskaunkanet on ye northward syde of patuxet river & of ye longest & maynest branch therof as high as penhunggans[et]

And allsoe pray we may have Execution as to ye cost & damage found & Judged due to us from them.

And we allsoe pray we may have Restitution & seissin as to yt suite against John Harrud & ye rest in yt forcable entry & detaynor in yt land called Meshuntatack &c acording as our right hath apeared & bin Cleared by verdict & Judgment within ye fore sd bound And Execution as to our damage & Cost we pray without delay on them allsoe haveing bin a long time opresed defrauded & grieved by them

Allsoe we pray A Judgment Against Edmund Calverley & some others with him in yt action against them (who wear not sued by us in ye other action) (with Harrud in yt force for yt ye law Requires when a verdict is a Judgment shall be as by ye 21th of King James & 13th statute, these words (vizt) If any verdict of 12 men shall be given &c ye Judgment therupon shall not be stayed &c And by ye 32 H, 8, 30 after a verdict of 12 men is given the Justices shall proceed to give Judgment and divers other statutes so speaking therfore I pray a Judgment in ye sd case & Execution &c

And wheras a partty at providence pretend to be a towne to defraude theyr Neighbors of theyr rights & lands who have

& still refuse to performe theyr promeses & agreements sollemly made with us & to us nor matter y^e^ Judgment nor verdict as to our right nor to obeoy y^e^ same but contrary therto malligne each to such great contempt of legallety y^t^ we have noe Exspectation of theyr consent to our right nor agreement to y^t^ which is Just therfore we pray of y^e^ Court that y^e^ same Jury may agayne be called to exspres whether y^e^ Judgment be not acording to y^e^ verdict for y^t^ Arthure ffenner sayth the Judgment contradicts y^e^ verdict therfore If y^e^ Jury agayne meet y^e^ truth of y^t^ matter may apear.

And allsoe as we pray the Jury may give theyr verdict so to y^e^ full & whole Issue Joyned between us & commited to them y^e^ s^d^ Jury, which apears by our declaration of our demand from our grant which y^e^ Jury hath not as yet sd anything to as verdict And as yet hath only given theyr verdict as to our right to y^t^ land Reaching from y^e^ lands on wanasquetacket River to patuxet River (in y^t^ case) which sd verdict of y^e^ s^d^ Jury y^e^ s^d^ persons with M^r^ ffenner & M^r^ ffenner doe endevor to delude and defraude by misrepresenting a head of wanasquetucket River which in law & reason is not y^e^ head of y^e^ sd River but below & short of y^e^ head of y^e^ s^d^ River which we with great paynes cost and Jeopardy optayned & possesed them with y^e^ same by vertue first of a grant to us which sd head they hold & from us y^e^ same head (as to y^e^ lands reaching therfrom) to patuxet River, and soe make two heads one higher for themselves and one lower for us

And not only soe but insted of runing with us a derect thwart line to patuxet River refuse us in y^t^ matter & run by themselves an inderect line makeing rather an acute Angle and soe intend to devide to us y^e^ poynte or narrowest end therof & y^e^ brode end to themselves and y^e^ longest land* And

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* In *Rider's Hist. Tract*, ser. 2, no. 4, p. 100, is published a fac-simile of an old map, probably drawn by Harris's surveyors, which shows the thwart lines as drawn by John Smith. The first thwart line is drawn from a point on the Woonasquatucket river where it is joined by the present Stillwater river directly to the point where the Pawtuxet and

not only soe but by theyr s^d^ lines & devition of such s^d^ land in such s^d^ form devide to us such land as we doe not sue for which s^d^ land some of it is allredy conveyed to others for all theyrs above or westward of pachaset River which s^d^ conveyance is by an award Authourised by y^e^ Collony of masachusets & Rhod Island long since And y^e^ moste Eastward land in defference is above or westward of y^e^ s^d^ River which s^d^ is proved by papers we have put to y^e^ Court & Jury all redy in theyr (to say) y^e^ Courtes Custody And y^e^ land we sued for reaching to patuxet River lyes above pachaset River betweene wanasquetucket River and patuxet river by y^e^ consent Joynt agreement & subscriptions of y^e^ townes men of providence M^r^ ffenner, M^r^ Dextor & y^e^ rest to devide with us yet now strive with us against all as afores^d^ as apears by an award and y^e^ Record of providence towne now in y^e^ Court contrary to all which they would devide to us (to say) y^t^ land y^t^ is neither theyrs nor oures and deny devition of oures & theyres contrary to all faythfullnes and promes &c Therfore we pray y^e^ Court to apoynt y^e^ right derect line equally and Justly to be run for it cannot be Immagined y^t^ they (to say) M^r^ ffenner & M^r^ Dextor & y^e^ rest who make & openly proclame & Justefy y^t^ paper they call theyr sovereigne plaster (which is in y^e^ Court) contayneing a resolution in them to take away our land notwithstanding any agreement with us (as they themselves say) will keep theyr promes or doe y^t^ y^e^ Court requires to performe it (to say) give us our land, And we pray allsoe restitution in to our s^d^ land by Execution, And execution as to our damage & Costs

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Mashapaug rivers unite; and the second is drawn from the same former point to the union of the Pawtuxet and Pocasset rivers. Harris, however, understood the "head of the Wanasquetucket" as reaching about three miles further north. Robert Hazard, a Portsmouth surveyor, probably was the author of this map. In Harris's inventory, 1682, are mentioned "Severall sirveiors instruments (viz) a plaine table, y^e^ stafe, y^e^ Cumpasse, & y^e^ Chaine" which had been lent to Hazard, but not returned (*Prov. Rec.*, vi: 87). "Robert Hazzards Mapp" is occasionally referred to in connection with Pawtuxet disputes (*Prov. Rec.* xiv: 146).

And we pray y^e^ s^d^ Execution may not be layde on Innocent men but on y^e^ noecent & guilty of y^e^ s^d^ trespas & wrong (to say) M^r^ ffenner M^r^ Dextor & such others greatest wrong doars for it is not Just nor reasonable y^t^ one man (y^t^ is innocent) should suffer for anothers trespas because both are townes men noe more then a wronged Complaynant should suffer execution to pay himself for others offences against him then which what can be more unjust

And a persons protest against an act of others takes of all guilt of doeing y^e^ act And by y^e^ like equity should free such from y^e^ penalty likewise, If noe guilt noe punishment

And If it were not soe (in such case) noe innocent person could escape y^e^ guilt & punishment of & for others ofences

And on y^e^ Contrary y^t^ leaders & misrulers of others are & ought to be mostely damnefyde by penalty is thought Just generally

And If execution goe out & should not be limited to y^e^ guilty partty it will not only opress y^e^ innocent but be an ocation of more suites of which I pray may be prevented for y^t^ y^e^ innocent have done what they can all redy to prevent y^e^ s^d^ former suites & latter allsoe

We allsoe pray Restitution into our lands recovered from John Towers, And Execution of Costs & damages And all y^e^ fore s^d^ we pray with all convenyent speed for y^t^ it is not Just y^t^ some mens unjust actings should continew to prolong other innocent mens damage cost & wrong. therfore as aforesd prayeth as an aturney in y^e^ s^d^ suits for my partnors therin named demandants And for myself

William Harris

[Harris Papers, p. 93.]

78

Proceedings of Court, 24 May, 1678.

Att a meetinge of the Comission^rs^, at the House of M^r^ Symon Lyne M^r^chent in Boston, by adjurnement from Providence, to

the 23th day of May 1678, Beinge then prsent Thomas Hinckley Esquir president, Major: James Cudworth Esquir, Mr Symon Lyne, Capt Daniell Hinchman: Mr John Coggeshall Peleg Sanford: But the two Comissionrs Belonginge unto Conneticute Collony: viz: Capt Georg Dennison & Mr Dan. Wetherell not appeareing according unto order derived from his Majties:, wee the Comissionrs above Named takeing it into our seriouse Considerations, upon the debate of our Respective Comissions Reseved from our perticulare Governors: Did unanimusely Judge, and agree, that wee Could not sattisfactorily proseed to the Effectinge, and prfictinge of the Matters then Lyinge Before us, according to order, without the prsence, assistance, and advice of the two Comissionrs, of Conneticut Collony as aforesaid: therefore in Obedience unto the Comands Wee have Receved from our Respective Governrs, and Manifestly to declare our faithfull Intentions, to obay & performe the same: Wee have unanimusly agreed: and doe adjurne this Court, unto Mr Thomas ffeilds House in Providence in the Collony of Rhoad Island &c, and thare to meet upon the 18 day of June Next Ensueing: in Exspectation and hope there to meet with the said Conneticut Comissionrs that soe a full Essue of all the matters Comitted unto us may be prfected, in order to give, and Returne our Severall Governors an accoumpt of our proseedings according unto our Comissions from them Receved.

Boston May 24th: 1678:

Capt Georg Dennison, Mr Dan Wetherell, Gentlemen Itt is noe small truble, that your absence, from this prsent Court, hath put us upon, But not Knowing the occations thereof, or how it hath pleased God to vissett you—
Wee have adjourned this Court Bake againe unto Providence and to meet at Thomas ffeilds house upon the 18th day of June Next, where your Companys is Exspected: and therfore wee doe Give you timly Notice thereof: hopeing you will not fayle as Now you have done (without timly) advice Giveinge: Which if you doe undoutedly it will bee of very Ell Consequence, and

Ley at yo^{r} dores, soe wee bed you farewell & Remaine yo^{r} Loveing freinds & neighbours

Signed by ord^{r}.

To Capt Georg Dennison
& M^{r} Daniell Wetherell
Comission^{r}s these p^{r}sente
℔ M^{r} Will. Harris

The Severall papers and Records of this Court formerly in the Costody of Peleg Sanford, is Now Receved from him and put into the hands of the p^{r}sident Thomas Hinckley Esquier.

[Cushman Papers.]

79

Harris to the Court, 18 June, 1678.

This presented to the Kinges Majestyes Court siting at providence by Adjurnment this 18th of June 1678

May it pleas this Honnored Court that for as much as we proprietors of patuxet have optayned of our Lord y^{e} King his Order for a Court &c And have had five verdicts and foure Judgments for our true title to y^{e} lands called patuxet, acording to our proportions ever since January 1677 And yet have not nor can have restitution nor execution by reason of obstruction & objection pretended by some from y^{e} uncertaynty of y^{e} meaning of y^{e} verdict of y^{e} Jury as what they mean by a derect line from y^{e} head of Wanasquetucket River to patuxet River And for y^{t} y^{e} Court hath had many Jurnyes trouble and charge And we y^{e} Complaynants and demandants much trouble Charge and damage Therfore we to shorten trouble & cost to y^{e} Court & ourselves & others offer as followeth

That we are Redy (If y^{e} Court pleas) (& our Adersarys

acsept it) to refer to Mr Robert Haszard* (on our part) what & wher ye head of ye sd Wanasquetucket river shall be or is And what and wher ye derect thwart line shall be run, And what and wher patuxet River or ye mayne & longest branch therof as in our declaration to which we have had soe many verdicts

If ye defendants or tenants will refer ye same likewise to any surveyer yt they Chues to whose agreements we & they shall submit but if ye sd surveyers cannot agree that ye Court to Chuese a discreet wise unconcerned & least suspected man to be umpire of any defference yt may hapen betweene ye sd two surveyers

or If ye afore sd will not be acsepted of by our adversaryes I will be at ten pound Charge upon ye Juryes coming together agayne (If ye Court pleas) (& we pray may agayne meet on ye sd land & actually set ye sd head of Wanasquetucket River The thwart line & ye sd patuxet River or ye longest & maynest branch or streame ther of, acording to ye equity of ye 13 Ed, 1, 25† And I pray A true coppy here of may be by ye Courts apoyntment atested

In behalf of Thomas ffield & my self demandants

William Harris

[Cushman Papers.]

80

Court's Order of Adjournment, 18 June, 1678.

The Comissionrs, uppon adjornmt from Boston the 23th day of May 1678: meet at Providence the 18th June 1678: and

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*That Robert Hazard, of Portsmouth (1635–1710 +), was a surveyor of reputation would appear from a vote of the Plymouth colony court, 30 October, 1667 (*Plymouth Rec.*, iv: 168), regarding a dispute over the bounds of Dartmouth, "that in case Robert Hazard, of Rhode Island, may be procured, that hee run the line."

† See Harris's explanation of this statute in No. 75, p. 232.

adjorned againe to ℘vidence the first day of October: next Ensueinge & ordered the Jury to be sum̄oned in to y^e s^d Adjourment to explayn theire former verdict &c

Thō Hinckley Presid^t.

[Cushman Papers.]

81

Court to Connecticut Jurors, 19 June, 1678.

Endorsed:—"this warent sarve by me Samuell Starr* marshall upon Leftenent Benjamine Brewester muster Jams fitch juner and muster john edckombe augest the 10 1678"

To Leiff^tt Benjamine Brewester Mr James ffitch Junio^r and m^r John Edgcombe

Whereas at his Majesty Courtt held at Providenc by Adjournement on the seaventeenth of Novem^r: 1677 by his Majestys: Royall Comand for the heareing the Complaints of William Harriss & Partners Against severall Intruders as he sayth on his Lands &c and yo^r Selves with others being Impanelled as A Jury for the Tryall of those plaints who being by Reason: of the Cold Season then prevented to goe on the sayd Lands in Controversie and not haveing A perfect draught of the sayd Lands whereby you might have been in A better Capacity to have given A perticuler plaine Distinct Determination of those Cases Comitted to you: which now according to the termes of the verdict given by you are Exposed to Divers & Dubious Interpretations Touching a thwart Line frome the head of Weenassquetuckett River Directtly Runing to patuxett River whereby no quiet Settlement of the Lands in Controversie is Like to be obtayned According to his Majestys Speciall Comand in pursuanc whereof his Majestys sayd Court

*Samuel Starr, of New London, appointed marshal in 1678.

now held at Providenc Aforesayd upon Adjournement to 18th of this Instant June Judgeth it of Nessesitye for the sd Jurye to meet here at Providenc at the sayde Courts Adjournement on Tusedaye being the first daye of October nexts ensueing then and there to Explayne what they meane by the thwart Line and what by the head of the River &c: and to performe such other service as in his sd Majestys name shall be Required of them in pursuanc of his Royall Comand Aforesd: and findeing the Lawe Made the 13th of Edward the first: 25th:* whereby Justices in Cases shall send for the same Jury that hath before given verdictt and After Judgment Granted, and Considering his Majestys speciall Comand in order to the quiet setlement of that Matter Aforesd According to Justice: and Considering the Comissions thereunto from the Respective Governors of these Collonies the Court Aforesd Doth therefore in his Majestys name will & Require you & Eviry of you Abovementioned to Appeare at his sayd Majestys Court to be holden at Providenc upon Adjournement on the Aforesd first Daye of October nexts: then and there to Joyne with the Rest of the Sayde Jurye in the Service Aforesd whereof fayle not you & Eviry of you as you will Answer the Contrarye at yor perill

Dated at Providenc the 19: of June 1678

Thō Hinckley Presidt
℔ order of ye sd Court.

To the Marshall of the County of New London to Serve and make Returne to one of his Majestys Comissioners of Conecticutt Collonie of the Serveing hereoff.

[Cushman Papers.]

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* It was Harris himself who had given Hinckley information as to this statute (see p. 232).

82

Stoughton and Bulkley to Plantations Committee, 30 July, 1678.

To the Right honourable the house of y^e^ Committee for Lands and plantations

In obediance to his majesties command received William Stoughton Peter Bukkley in answer to y^e^ petetion & adres of Randall Holdan and John Green * of warwick in new england: humbly ofer y^t^ its about: 35: years since these matturs hapned with which y^e^ petetioners being y^e^ complaints against y^e^ massatusets Colony at which time these respondants were not of age to acquaint themselves with proseedings in y^t^ nature nor til now have they are bin consarned to acquaint themselves of them and therefore can give no particular account of them only in the general they have latly bin informed and do believe for truth that these complaynants espeshaly some of them may be traced in the colonies where they have dwelt from place to place as y^e^ authors and fomenter of much trouble and disquietnes Gorton the chief among them was while he lived first expeled y^e^ colonei of new plymoth thence returning Rhoad island he was publiquily whipt for their seditious carages & afronts to authoriti there upon he and M^r^ Randall holdon and several othrs with them combined with them in the same practis were made to quit that island. from hence they went to the town of providence then under noe setled government

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* The petition of Holden and Greene is printed in *5 Mass. Hist. Soc. Coll.*, i: 505, where it is assumed that the date is December, 1678. The statements in the petition, however, are answered specifically in the above reply of Stoughton and Bulkley, dated 30 July, 1678, and the Journal of the Lords of Trade, 30 July, date the reference of the petition on 17 July previous (*Cal. State Papers Col. Am. & W. I., 1677-80*, no. 768). William Stoughton and Peter Bulkley had been sent by Massachusetts as agents to London in September, 1676. Their address was answered by Holden and Greene, 30 July, 1678, (*Idem*, no. 767); but the Lords of Trade took no decisive action until 2 January, 1679.

but what was by combynation among themselves and though on act of their behavior they could not obtain the consent of the chiefest and better part of the inhabitance to be entertained as dwelers among them yet for some time forcing an aboad with them soon broake the peac of that place also so that they were once drawn out in arms one against another and blood-shed scarcely avoided which forced them of providence to make their cause known to the massatusets and haveing no better way of adrese to crave their protection that the originoll & principle ground of the controvarsies betwen them and the massatusets was not any thing in Religion but of a meer civil nature for these men leaving the town of providence went to a place adjacen now cawled warwick and there by vertue of a pretended purchase of unserping narrowganset sachem they intruded themselves into the lands and habitaions of two other sachims the rightfull lords and proprieters thereof who having before that time craved and submited themselves to the protection and goverment of y^e^ massatusets complaining of this their great wrong praying their interposition which was a way far more ellegable then that these indians wronged should have sought to rite themselves by force and their own arms against the wrong doers which might have proved of dangerous conciquence to the english in generall that the massitusets sending to these complainants and endevouring to issue the whole mattar in a fair and just way of proceeding were entertained with the most opprobrious messages scornful returns & highes affronts and provocations that can redily be thought on and although by their straing and voluntary ventering themselves in y^e^ highest poynts of Christian religion they gave an ocation unthought on or unsought for of annemadverting on them yet how little rason they have to entitle their sufferings to thir not relinquishing (as they say) the sound doctrains and christion principles taught them in their minority by y^e^ the church of england will easily appear upon perusal of their letters sent to the massatusets and y^e^ writings of that grand hyrarchy their great leader Samuel Gorton aforesaid most full of absurd apsurd opinions notions

heterodoxes & some thinke neerly bordering upon if not downright blasphemy. so that Gorton's were caled in by a committe of parlament

That the proceedings the massatusets against these parsons were by the exspres consent and avice of y^e^ other colonies who looke themselves as joyntly and equally consarned thereinfor the security for the whole for as much as at y^e^ time the late civil war here in england had proceeded so far that there was no way opne for y^m^ in this or the like case to apply themselves to his then majesty for a more regular decizion or adres

That about the year 1644 as these respondants are informed y^e^ complainats some of them came over into england who made their adres not to his maisties royal father but to the parlyment y^t^ then was and their committee of lords for forrain plantations maniging their complaints so far as their case wuuld bare nor did their loialty in the last hinder them from so doing nor from seeking an authority and constitution of government solely from the powers then in being which loyalty doubtles they still hold on when afterwards M^r^ Randal Holdon being one of the bench one John goold was fined three pounds for drinking a helth to his preasent majestie then in his exsise as also when these men of warwick with joy of bonfiers voluntaryly and uncommanded proclaimed Richard Cromwell protector

As to the withdrawing of the forces of y^e^ collonies from their towns in the lat[ ] indean war these respondance answ[ ]

That the government of Rhoad isla[ ] to whom these towns belonged would never yeald any joynt assistants again[ ] the comman enemy nor not so much as [ ] their own bownds upon the maine n[or] garison these their own towns Providence and warwick so that if upon the withdrawing of y^e^ forces nesesaryly to pursue y^e^ routed indians up into y^e^ wilderness they sustained damage y^e^ blame must lye upon their own goverment & not on y^e^ other Colonies much les y^t^ of y^e^ massitusets.

and for their last complaints of William Harris the judgment given and the whole proces in pursuanc of his majesties commands to y^e^ governors of the several colonies was since these

respondents came over to england yet they and all other know y^t^ y^e^ two gentlemen deputed out of the massatusetts to be judges in y^e^ case were men of known moderation & indifferencye who had never bin ingaged against y^e^ complainants nor at all concarned in y^e^ preasen controvarcie and such alsoe y^e^ rest deputed out of y^e^ other colonies will appear to have bin and not profesed mortall enemies as is most slanderously and unchristianly represented

July y^e^ 30: 1678

All which is most humbly submited

William Stoughton
Peter Bukkley

[Cushman Papers. The copy sent to London is in the Record Office, Col. Papers, vol. xlii, no. 114. See Sainsbury, *Calendar, Am. & W. I., 1677–1680*, no. 766]

83

Harris to Steele, 15 August, 1678.

Endorsed by Harris:—A coppy of a question sent to Searjant Steele for resolution 15 August 1678

The case is this upon y^e^ following conciderations
Seeing all y^e^ Charttors granted by y^e^ Kings Majesty in & to new England & y^e^ Collonyes Grant y^e^ s^d^ land to be held in free & Common Sockage &c Acording to y^e^ Custom of his manor of East Greenwich in Kent
Then whether by y^e^ s^d^ words in y^e^ s^d^ Charttors by y^e^ s^d^ Custom of y^e^ s^d^ manor The s^d^ lands in new England shall be held & desend as Gavell kind to all male heirs equally (If that be) &c or to y^e^ Eldest male heir or how els*

* Harris asked this question because he shortly intended to draw up his will, in which he wished to entail his property for as long a time as possible. The Rhode Island Charter required that land should be held "as of the Mannor of East Greenwich, in our county of Kent," and according to the law of Kent, which was the law of gavelkind, estates descended in equal portions to all male heirs.

here is great need of A resolution in y^e^ sd case for here is noe certayne knowledg of y^e^ full & certaine meaning of y^e^ sd words
nor (as yet) have they any prescription
Some Collonyes they give y^e^ Eldest Son a duble portion (to any of y^e^ younger) & to y^e^ younger equall partes but in this Collony of Rhod Island each towne hath a Councill & y^e^ s^d^ Councill for theyr townes (intestates) make wills acording to theyr pleasures & done acording to theyr interests & afaction or disafactions & y^e^ s^d^ councills Chose every year & mostely changed as often
& likewise as often alltered y^e^ maner of intestates Childeren & heirs proportions of theyr partes in lands & goods, & yet (in this Collony) y^e^ lawes of England acknowledged though not Soe much put in performance

prayeth a clear answer in writing

providence y^e^ 15 August 1678 William Harris

A true Coppy

[Harris Papers, p. 93.]

84

Harris to the Court, 1 October, 1678.

Endorsed by Harris:—"presented to y^e^ Court at providence y^e^ i of octō 1678"

To the Kings Majestyes Court siting by his spetiall command at providence upone Adjurnment y^e^ first of october 1678 And 30^th^ year of his Majestyes Reigne

May it please your Honnor to take notice of y^e^ complaynt & demand of proprietors of patuxet Against severall partyes tenants by force holding our lands against whome we have had verdicts & Judgments yet notwithstanding still hold & use

our land As the men of warwick & yet we cannot optayn execution nor restitution nor agaynst others nor y^e^ Towne of providence or against some y^t^ soe pretend or asume to be whose Irrationall objections seeme to be y^e^ present obstructions Therefore we pray a hearing of our answer thereto

Our demand being all y^e^ land above pachaset River as high as penhunganset to a midle line betweene y^e^ s^d^ patuxet River and wanasquetucket River

They of providence tenants by force Arthur ffener & his partty under y^e^ name of A towne wear by yourselves y^e^ Court required To run y^e^ s^d^ line (to say) The midle line of an equall distance between patuxet river & wanasquetucket till it mete with a derect thwart line from wanasquetucket river to patuxet river The s^d^ Arthur ffener & the rest of his party tenants by force not regarding verdict nor Judgment of Court nor theyr ad[v]ice to run y^e^ s^d^ line with us demandants to speed y^e^ mater they run a line only by themselves saying only they have power from y^e^ court to run or fix y^e^ said line, wherfore they piched (supposedly) on ye head of wanasquetucket river & soe to y^e^ mouth of pachaset river wher it runeth into patuxet river designeing not only to defraude y^e^ verdict & Judgment against them (to say) Arthure ffener & his party tenants by force but all y^e^ verdicts & Judgments against others (whome we sued) all contrary to y^e^ award & agreement y^t^ providence Towne (all save two men now dead y^t^ wear of patuxet) subscribed to performe (to say) to run a line betweene patuxet river & wanasquetucket at an equall distance, to which performance Arthure ffener subscribed Gregory Dextor & Roger Williams witnes an Authentick coppy of y^e^ s^d^ award & theyr subscriptions presented to y^e^ Courte in our plea & we pray it may againe be read in court as proofe

And we pray y^e^ Court & Jury to mynd y^t^ by theyr plat is designd y^t^ as they draw theyr line to pachaset river & noe higher upon patuxet river they make voyd all y^e^ other verdicts & Judgments (as much as in them lyes) which we optayned higher upon patuxet River as at Toskaunk & above it against warwick, And those y^t^ wear at meshuntatacke as John Har-

rud &c, And John Towers &c, And yet in ye tryall had noe reason to shew to ye Court nor country to prevent ye sd verdicts & Judgments against them.

And seeing our good & sound reasons we shewed for our right seemes by some to be soe forgotten or blotted out by a dumb Irrationall line drawne in ye skin of a beast by noe rationall understanding in ye heart of any man, should in ye least speak better reason (thoughe it say nothing by its silly sylence) then all our sound grounds for our Just right which our adversaryes neither wear nor are able to answer we pray leave briefly to remember ye Court & Country of some

first The sd wanasquetucket &c & ye lands thereupon our adversaryes had onely of us of patuxet And yt lands reaching from thence to patuxet river was oures allsoe then they rose up against us in mutinous maner yet for peace sake we granted to them ye sd wanasquetucket river & ye lands therupon And our proprietyes to be by us & them severed (to say) of patuxet or parted: namly ye lands reaching from ye land we granted (by ye sd award to them) to patuxet River which sd land under theyr hands in ye sd award they acknowledg our proprietyes but if they stand not to: nor abide by: ye sd award under theyr hands Then is yt land on ye sd wanasquetucket yet oures of patuxet And not Arthure ffenners nor his partyes for ye sd land on ye sd Rivers was by Roger Williams made over to thirteene of us patuxet men & then had ye towne Authourity & rule allsoe, then they not to limit us

If our Adversaryes say as they may That Roger Williams hath since yt gave them a deed therof

To yt we say he had noe lawfull power soe to doe for then he was but one of us ye sd thirteene as by ye dates of ye grants in Court it will apear

And Roger williams had noe more Authourety to grant ye sd land in such maner & form then he had to grant patuxet to others after he had granted it to us And yet under his hand he sayth he would grant it for ye good of

plantation to others as in an Authentick Coppy under publique test in y^e^ Court will prove

Soe y^t^ our adversaryes have noe Authentick Grant but of us of patuxet nor noe more then we granted them (on y^e^ s^d^ rivers) by y^e^ s^d^ grant, And therfore we pray y^t^ our Adversaryes may shew theyr grantes of y^t^ land they clame (If any they have) & of y^t^ land they deny us, as if we were at theyr alowance when as indeed they had none but what they had by us & obtained y^e^ s^d^ grant of us by men as in mutenous maner

If they say they have confirmations of y^e^ sachems & soe have more right

To y^t^ we say The s^d^ confirmations Grant & confirme to us as well as to them but still to both them & us acording to our Joynt agreements, upon which we of patuxet payd y^e^ quarter part of y^e^ payments to y^e^ sachems or Monorches (to say) (over y^e^ Indeans) as we have proved in Court by a coppy under publique test, which sd payments & Confirmations (for they are severall read in Court) they wear of lands allsoe above y^e^ sd wanasquetucket as highe as penhungganset acording to our demand & y^e^ bounds set by y^e^ unyversall consent of y^e^ Towne of providence, soe y^t^ still higher then y^e^ sd wanasquetucket our right runs upward wherfore then should our adversaryes stop us at y^e^ mouth of pachaset River eleven or twelve miles below penhungganset & aboute 9 miles below y^e^ head of wanasquetucket river as on our plot & therby we shall prove it compared with theyr plat And all y^e^ while they thus obtrude & soe delude as not to prove theyr title to y^t^ land they deny us & detayne themselves never shewing why (by grant) we pray y^e^ Court to take notice That Thoughe Arthure ffenner & his party were required to run y^e^ line which formerly they & we agreed on & we sued for & y^e^ verdict & Judgment for us, yet y^e^ s^d^ tenants by force will not finde y^e^ head of y^e^ s^d^ River nor y^e^ midle line

but insted of y^e^ derect thwart line which would make a rect Angle with a right line drawne upon wanasquetucket to y^e^ right head therof

They make y^e^ head of wanasquetucket on y^e^ greatest body of water on y^e^ River And draw a line from thence to pachaset river & soe make an acute Angle

And as they have had opertunity to shew their plats fation or form I pray leave to shew theyr plats disagreement to our demand & y^e^ verdict & Judgment

If y^e^ head they have set be not y^e^ head of y^e^ s^d^ River then they have not performed y^e^ verdict nor Judgment nor our demand which long since they subscribed to perform

but y^e^ head they have set is not y^e^ head of y^e^ s^d^ river

Therfore they have not performed y^e^ verdict nor Judgment

That y^e^ head they have set is not y^e^ head of y^e^ sd river we prove by y^e^ scriptures of truth And by y^e^ law we are borne to (to say) of England 35 H 8 10 statute* in these words (viz^t^) *the waters coming from* y^e^ *old springs & antient heades*, If y^e^ waters com from y^e^ old springs & antient heads then when come from y^e^ heads they are not in place of y^e^ heads but in y^e^ Rivers or streams or branches of y^e^ rivers

2ly That wher they have set y^e^ head is not y^e^ head we prove by y^e^ scriptures of truth in y^e^ 2 Geneses 10 v and a river went out of Eden to water y^e^ garden And from thence it was parted & became into foure heads &c The one compaseth y^e^ land of havilah, another ethiophia &c whence it is Clear y^t^ wher it was y^t^ great river it was not y^e^ head for it was parted into foure heads therfore y^e^ River wanasquetucket in y^e^ greatnes of it not y^e^ head of y^e^ sd river

but Arthure ffener hath set y^e^ head of y^e^ s^d^ river in y^e^ bignes or greatnes of it

Therfore not y^e^ right head

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* A law authorizing the Mayor and Commonalty of London "to lay and amend conduits in and about London." Its pertinency to the present controversy is not apparent, unless it is that the said Mayor and Commonalty were authorized to go and look up the springs for themselves.

Therfore not acording to verdict & Judgment
Therfore we pray ye Jury to doe it themselves acording to ye foresd 35 H 8 10 at ye upward old springs & antient head

our Adversaryes object That we must not chuese ye head of ye sd river to measure therby

Answer we wear Granttees to ye foresd sachems & by ye law of England granttees are to have ye moste favorable and benefitiall construction the 18 El 2 Sta* against ye sd Queen & her succesors, & soe are all patents in New England to patenttees

The same by law we had & ye same we granted & ye same measure we must have agayne of our adversaryes (to say) to ye uper springs & antient head to take scantling from

And as they have not set ye right head of ye sd river soe they have not run ye derect line or right line for it is all on: rect: & right,

And insted of performance make silly bold Jeers upon ye verdict for say they ye midle line must be run till it meet with a derect thwart line & say they as if a thwart line were run all redy which if they say what need they doe it againe

To which we Answer & say ye words are sound words of a rt. (to say) a derect line, but to our adversaryes yt better understand a thwart line ye sd thwart may be best for them

And wher as it sayd till it mete with a derect line it is simplely construed by our adversaryes for ther ar many lines truly Immagined or suposed in ye heavens which never were run in their simple sence

yet notwithstanding The sd midle line may be run till it mete with yt derect line by a surveyor haveing plated ye rivers from ye sd head by his plat can tell when he is come to yt derect line by leting a perpendiculer fall upon ye

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* Confirmation of all Letters Patents made by the Queen since the beginning of her reign."

poynt Asigned (to say) y^e^ head of y^e^ s^d^ River upon his plat

which sd derect line from y^e^ head of y^e^ s^d^ river presupposeth a line or base to be drawne upone wanasquetucket on y^e^ plat which with y^e^ perpendiculer line makes a rect Angle or right Angle

Insted of which right Angle acording to verdict & Judgment soe it ought to be plated Arthure ffener & his party have drawne an acute Angle cuting of our land which they themselves have actually delivered to us by partision as we shall more playnly shew by our plat* That we have devided thus far (to say) we began as we agreed to devide by our award at a spring at sasafrax Cove & run a midle line to mashapaug to a marked oake tree

Then we run a head line And they tooke theyr station at theyr syde at durty Cove

And we toke our station at a poynt of land by patuxet river neer papaqunepauge

Then we toke a midle line upon y^t^ head line & y^t^ was run to pachaset River

Then another head line was taken from wanasquetucket river neer solletary hill† for y^e^ towne And another to meet y^t^ for patuxet at patuxet river neer pachaset river for another head line

And then a midle line ran from y^t^ head line upward as highe as a place called by some Hipses Rock which is a mile or two above pachaset river

And ther stoped for y^t^ time with this record in y^e^ towne booke (viz^t^) y^t^ if any defference arose aboute devi-

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*The map printed in *Rider's Hist. Tract*, ser. 2, no. 4, p. 100, and referred to in previous note on p. 238, is probably the "plat" to which Harris here makes reference.

†Solitary Hill, according to the light of modern evidence, was situated just in the rear of the present Olneyville Public Library building, and has long since been cut away.

tion above y^e^ s^d^ rock it was to be refered to arbytration* but afterward by our adversarye often denyed, wher fore we sued And when we had recovered verdict & Judgment against them The court commanded them to run y^e^ line which if they would have performed then had saved y^e^ suit & our great damage & trouble (thoughe we have a verdict of title) (at which Roger williams Jeers us thus (we complayne to y^e^ King y^t^ they did us forty shillings damage) and after verdict & Judgment we offered them to Joyne & get a Surveyor to ease y^e^ Courts trouble & charge & our owne, And offered if any defference arose we would refer it to y^e^ surveyor but one of them s^d^ y^t^ was arbytration & if they would have done y^t^ it need not have come to suit so y^t^ All meanes of peace to save trouble & coste they have refused & contemned And forced us to get a surveyor at our owne cost whose recompence hath bin & will be aboute ten or twelve pound in mony for his part† at five shillings y^e^ day And his helpers some times four at a time sometimes two which at two shillings six pence each person each day will come to about fifteen pound more about six or seven & twenty pound y^e^ whole

*The above survey was the result of the agreement of 31 March, 1665, that "the line of difference shall be runn betweene them, from the End of that line already sett betweene the Towne of providence and the men of pawtuxett neere unto pauchasett River: and from thence upon a straight line unto a Rock, called Hippsses Rock, which Rock is about 3 quarters of a mile westward from the farme howse of Joseph Wise, where Henry ffowlar now liveth; which howse standeth upon the Hill called Neotaconquonitt" (*Prov. Rec.*, iii: 61).

† Providence also was troubled over the cost of its surveyor, for at town meeting, 3 March, 1679, it was voted (*Prov. Rec.*, viii: 45): "that y^e^ protestation w^ch^ John whipple putt in ag^nst^ y^e^ Rate for y^e^ paying of John Smith Surveyer be refused, because of those false Charges upon y^e^ towne itselfe theirein Contained." At the previous meeting, 24 February, 1679, it had been voted to levy a rate to pay Smith "who was implyed in ye Townes name & behalfe in Runing y^e^ Lines of Division for ye boundes betweene the men of providence & ye men of pautuxett" (*Prov. Rec.*, viii: 42). The rate as voted was £11 13s.

sum as to y^t with divers other hinderances & Charges some wherof is y^e meeting & Charge of two courtes y^e more at providence with aboundance of other loste time & hinderance which noe man can clearly know but such as are forced to beare it. but our adversaryes are many y^t bear up one another in theyr unjust causes which good law punisheth our Adversaryes would exscuse theyr line upon theyr plat y^t runs from theyr head of wanasquetucket river to pachaset rivers mouth makeing an acute angle say they patuxet river falles away And say they it is patuxet river noe farther then to y^e branches therfore Roger williams he afirms, as they say, papaqunnipauge brook & mashapauge brook are at y^e end of patuxet river for they are some of y^e first y^t fall into y^e s^d river which wher they are we shall shew upon our plat

To which we Answer And because Roger williams sayth (viz^t) as he might instance in y^e river of Thames or any other river in the world Therfore to shew his very erronious & more then useall Ignorance Apears by y^e law of England 21 K James & 32* wher it is y^e river of thames from london to oxford, with many other statutes to y^t efect & many here know y^t it is Thames to gravesend, And y^t y^e s^d river doth not Chaing its name but is thames from y^e two heads thame & Isis make y^e compounde thames or tames & it is not Changed by noe City nor any y^e Kings Royall palaces by or upon y^e s^d River therfore in y^t Roger williams fallcly instances

and in a waighty case but he useth to shoot at rovers† but if he object y^e law of England & say as once he did y^t y^e lawes of England are wicked lawes &c to y^t I say he makes himself a Judg of y^e law & not a doer of y^e law & he y^t

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*"The River of Thames shall be made navigable . . . from the village of Bercot in the County of Oxon unto the University and City of Oxon."

† A term of archery, meaning to shoot at random, without any particular aim.

will speak evell of y^e^ law will not matter to speak evell of his neighbors & theyr honnest interest*

but we pray of y^e^ Court speedy Justice as y^e^ kings order is concidering our long troubles & great Charge & cost which god knowes hath and doth ly heavy upon me

And pray we may have restitution into our possesions & execution for our damages & Cost which is not answerable to my exspence but what it is we pray we may have it our adversaryes doe but sporte themselves & say y^e^ Court dares not make an end of it as if Court, law, & Justice were afrayd of asilly Ignorant yet bold & proud multitude not haveing one Just man of capassety among them which is y^e^ reason they have run so long a rude rase of opresion fraud & violence which I pray God rebuke

A long & great sufferer therfore complaynant & demandant And Aturny &c

William Harris

[Harris Papers, p. 93.]

85

PROTEST OF R. I. COMMISSIONERS, 3 OCTOBER, 1678.

Wee whose Names are here under Written beinge By the Hon^rd^ Benidict Arnold Esqui^r^, Governor of his Maj^ties^ Collony of Rhoad Island and providence plantations, By vertue of his his Maj^ties^ Comand to him beareing date y^e^ 4. day of August from his Court at Hamton Court Anno: 1675: Constituted and appointed, Comission^rs^ to Joyne with such other Gentlemen as shall bee appointed to Joyne with us, from the Collonyes of the Massathusets, Plymouth, and Conneticute as by our said Comissione beareing date in Newport y^e^ 22^th^ day of September 1677 and 29^th^ yeare of his Maj^ties^ Reigne, doth

* James iv: 11: "He that speaketh evil of his brother and judgeth his brother, speaketh evil of the law, and judgeth the law: but if thou judge the law, thou art not a doer of the law, but a judge."

more fully appeare, to heare such pleas, allegations, proofs and Evidences as shall be produsd by William Harris and his partnores, Conserning y^e^ lands in pawtuxet Claimed by them &c, in obedience unto our Com̄ission wee have from time to time att and from the first instating ourselves a Court: attended the severall adjournm^ents^, as the Records of said Court will make appeare, though other of the Com̄ission^rs^ Neglected the same: viz those Belonging unto y^e^ Collony of Conneticut: by Reason of which it was as well by the Com̄ission^rs^ of y^e^ Collony of the Massathusett, and plymouth as ourselves Judged wee had not power to act or proseed as a Court, for the heareing Reseveinge or Judging any thing presented unto us (being but part of the Court) and our Com̄ission, saying y^o^ with the Reest Comissionated, have &c:, and att our last meeting at providence y^e^ 18^th^ day of June the Court was by y^e^ majore part of the members thearof adjurned unto the first of October 1678, and then againe to meet at providence, but one of the Comission^rs^ Belonging unto the Collony of Conneticute not appeareinge: wee doe declare that wee Cannot Joyne or act with the Comission^rs^ present as a Court, and therefore doe desent, and wholly disone any thing that shall bee acted, done, or Receved by them or the majore part of them as a Court: and this our desent wee Leave with the president Esqui^r^ Hinckley to be Keept with the Records of the said Court: dated in providence October y^e^ 3^d^ 1678.

Peleg Sanford
John Coggeshall

This paper signed ℔ Peleg Sanford & John Coggeshall dated Octob 3^d^ 1678. was not p^r^sented till y^e^ 15^th^ of octob. after we had signed our retorn to our respective Gov^r^nors of y^e^ whole matter com̄itted to us by vertue of our Comissions frō them & therefore is p^r^sented unseesonable being just when we were ready to de℔te home, & need not by us be tooke notice of: yett as to what is said was our judgm^t^s when Connecticot Com̄ission^rs^ mett not at y^e^ adjourm^t^ at Boston is a mistake, for

though we judged in matters of weight it may be prudence & most expedient to adjourn to another time when it may be rationally conceived a greater number or ye whole may meet, yet it follows not that [ ] of 8 cannot at all act as a Court to heare receive or judge any thing, for at that Boston meeting we did heare & receive some matters that concrned us as a Court & that a quorum or major ꝑte may act in some case we have prsented our resons why we so judg in our narrative or retorn to our Govrnors

Thō Hinckley
Simon Lynde
James: Cudworth
D Henchman

[Harris Papers, p. 92.]

86

Return of the Commissioners to the King, 5 October, 1678.

[The proceedings of the Court, November, 1677, which occupy the first pages of this document, are here omitted, since they are merely transcribed from the official proceedings as previously printed, No. 70, p. 222.]

The Court upon the acceptance of the aforesaid Verdicts, ordered the Town of Providence to choose men to run the thwart line from the head of Wanasquetuckett River directly to Pawtuxit River, and the dividing line according to the Jury's Verdict and Judgment of the Court, & also ordered the Town Serjeant after the lines were run to give possession of the Lands on the South side of the said dividing line to the Pltfs, & ordered two Gentlm of Providence to see it accordingly done, the said orders being given under the hands of all the eight Commissionrs of the said Court, and then adjourned the Court to Boston to bee held on the 23rd of May, 1678. that so they

might have opportunity to advise with their respective Govrs whether they had power to grant execution for the Costs of Court &c and to do other things for the perfecting of the returne of that affaire (committed to their management) unto their respective Govrs. But Connecticott Commissrs not meeting at that adjournmt to Boston, one of them being sick (as was said) it was a question whether the Court were not thereby dissolved, but in fine, the other six who there mett judged they had power to adjourne the Court to another time, in hope that all might then appeare and so continue the being of the Court to perfect what yet remained, and accordingly agreed to adjourne the Court to Providence aforesaid to bee held the 18th day of June next ensueing, where accordingly all the eight Commissioners mett, expecting to receive a satisfactory accompt of the running of the said lines by Providence men, according to the order of Court & Verdict of Jury, but had a Returne from the Town Sargeant that hee had done nothing as to the execution of his Warrant; and a Return from the two Gentlm impowered to see him give possession to the Pltfs as aforesaid that the lines being not perfected they could not performe it, yet withall, Captn Fenner in behalfe of the Town of Providence, had presented a Mapp or Draft of the running of Wanasquetuckett River and part of Pawtuxit River, so much as they thought served their turne, and of the thwart line they run from the head of the sd Wanasquetuckett River to Pawtuxit River, which thwart line the Court Could not accept of, judging it not to answer the Courts order according to the true meaning of the Jury's Verdict, because the line run is rather an accute angle, than a direct thwart line, right angle or square line as the Court judged was the Jury's intendment, for by the agreement of the artists of both parties, the sd Wenasquetuckett River for the generality of it runs neerest North North West, yet they run the said thwart line neerest N. & by W. and S. by E. which cutts the Pltfs from most of the Lands given them by the Verdicts of the sd Jury, and therefore in reason cannot bee the intendment of their Verdict, respecting the sd thwart line; after much debate about it, the

Court thought it might bee most satisfactory to have the former Jury themselves to explain their own meaning in their Verdict, and accordingly sumoned them to appeare at their next adjournment to bee held at s^d^ Providence Oct^r^ the first 1678. hoping the equity of the 13 Ed. 1. 25. might warr^t^ us therein; where, in case the same Jury though dismist may bee called againe especially, considering His Maj^ties^ speciall command in order to a finall determination of that difference according to justice, which wee were Comissionated unto.

At which adjournment, there appeared the Commissioners following. viz^t^ Tho: Hinckley Pres: Major James Cudworth, Simon Lynde, Daniel Henchman, & Cap^n^ George Denison, who then adjourned to the next day in expectation of Road Island Commiss^rs^, who accordingly came alleging the reason of their not coming the day before, was because they could not gett over Providence Ferry, the other Connecticot Commissioner being gone to Barbados (as was said) by reason of whose absence the Road Island Commiss^rs^ declared that according to their Judgments wee were not a Court and had not power to act as a Court; according to their understanding of the Commissions from the severall Governors and accordingly withdrew themselves from the Court, though concurring with the rest of the Commissioners in all that is before written and subscribing themselves His Maj^ties^ Loyall Subjects, and Your Honours

humble servants.

Peleg Sandford.
John Coggeshall.

The rest of the Commissioners notwithstand^g^ humbly conceived (with submission to better Judgements) that though it were necessary that all the Commissioners should bee present at the first meeting to constitute the Court, yet being constituted into Court Order, it is necessarily understood, that the major part do make a Quorum, though not exprest according to the known maxime, Quod necessario sub intelligitur non

deest, who hav power to Act as a Court, though every individuall member of it sh[d] not bee present; otherwise it might bee in the power of any one of them out of designe to absent himselfe, and thereby make null the Court, and as much as lyeth in him to make void His Maj[ties] Princely designe in his compassion to the long and many sufferings of his subjects and gratious inclinations to order their redresse in the most speedy and effectuall way that can be proposed in order to quiett them in the possession of their Lands if in Justice they appeare to have right thereunto, and that all their differences and troubles may bee finally determined according to Justice as is manifested in his Maj[ties] gracious Letters to the respective Governors, which his Royall favour would no doubt have to bee interpreted in the largest sence for His Subjects releife according to Justice, our Commissions also from our respective Governors comporting therewith, according to our understanding thereof; the Gentlemen who were of the Jury did also all appeare on the day appointed, except the three Road Island Gentlemen of the Jury, viz[t] W[m] Brineley, John Stanton and Will[m] Haffernan who appeared not till the next day, & when they came, refused to act or do any thing as to the explanation of what they intended in their former Verdict, alleging that they had with the rest of the Jury given in their Verdict on oath, which was accepted by the Court and they dismist;* and therefore would not concerne themselves further about it; but the other nine Gentlemen of the said Jury upon consideration of the matter together, gave in under their hands for explanation of what they intended in their former Verdict by a thwart line from the head of Wenasquetuckett River, directly running to Pawtuxit River, they meant and did intend a square line from the head of Wenasquetucket River to Pawtuxit River, which said line runneth neerest W. S. W. from the head of Wenasquetucket River to

* The Rhode Island commissioners were undoubtedly right in the stand which they took. There was nothing in English law to justify Hinckley in calling together a jury for a case upon which they had already given judgment and been dismissed.

Pawtuxit River, which comes from Penhungansit Pond as appears by the Mapp given into His Majties Court Octr the 3d 1678 whereunto the said nine former Jurors made Oath before the Court the sd 3d of October 1678. and wee humbly conceive that the said thwart line as explained by the said nine former jurors is that line which according to Verdict of Jury and Justice ought to bee run & possession accordingly given to the Plaintiffs their shares thereof according to Verdicts of Jury and Judgements of Court at least until His Majties pleasure is further knowne and also execution granted for their damage and just costs allowed, yet one of the commissrs being absent and two present opposing as aforesaid, and one or two more hesitating about the granting of execution as the matter is now circumstanced. After many long and weary Journeys and expences, wee must leave to his Majties finall determination all that whole affair; the state whereof wee have given a breife and true accompt, and wherein wee looked beforehand to receive hard thoughts and words from such whose selfe humours and interest being crost are apt enough to cast forth reproaches on such as they deemed to stand in their way; but whatever mans words bee concerning us, wee can truly say, that with all good conscience it hath been our desire and endeavour according to our best understanding to act justly and impartially in the whole matter committed to our trust; Wee begg His Majties gracious pardon and your honors for what of weaknesse hath appeared in us, and finally prostrate our selves and that whole affaire at His Majties feet to do therein as his Princely wisdome and Royall grace shall continuedly incline him unto. God grant His Majtie may have a long and prosperous reigne, and your Honors prosperity and peace under him. So prays His Majties most humble supplyants & Loyall subjects & your Honors humble servants

Thomas Hinckley President

Simon Lynde. James Cudworth.
D. Henchman. George Denison.

This is a true Copy of the Originall returne of the case of William Harris. Received the 7th of October. 1678.* by me

John Leverett.

[From a transcript in the John Carter Brown Library.]

87

HARRIS, POWER OF ATTORNEY, 4 DECEMBER, 1678.

Endorsed by Harris :—A letter of Aturny to Andrew Harris And Howlong Harris

This be Knowne to all whome it may concerne That I Williame Harris of patuxet in providenc now being intended to take a vioyage for England upon good concideration for ye good of my posterety And for prevention of great evells intended by my adversaryes to me & myne, Therfore In my absence I apoynt & Impower my son Andrew Harris & my daughter Howlong Harris Joyntly & singlely to be my lawfull Aturny or Aturnyes Investing them & either of them with my full lawfull power in my name & sted to my use to preserve keep & defend my lands goodes Chattells & cattell for me, to buy & sell what they see needfull, & to receive my dues, & pay my debts, to defend my lands & posestion by law or by any lawfull way, And If they or either of them see need to make one or more Aturny or aturnyes in & for any matter or thing there aboute or suite concerning any of my sd afayres or busynes here by promesing my sd aturnyes or either of them reasonable satisfaction for theyr paynes & cost and to keep them harmles in theyr sd undertakeings Alowing & mayntayning theyr or

* The document in the British Record Office is dated at Providence, 5 October, 1678. It was enclosed with a letter from Governor Leverett to Sir Joseph Williamson which was read in Committee 6 December, 1678. (*Cal. State Papers Colonial, Am. & W. I., 1677–1680*, no. 810).

either of theyr actings therein as If I my self personally had done y^e^ same & ratefy y^e^ same without revocation, And make my s^d^ aturnyes or aturny theyr acts & doeings in all things one my behalf as avaylable in y^e^ law as if I my self personally had performed y^e^ same witnes my hand And seale

William Harris my Seale [s]*

in y^e^ presence of us signed & sealed y^e^ 4 of desem̄ 1678

[Thomas Harris Senior]
Nathaniell Waterman

William Harris this: 4: day: of December: 1678 came before me, and the above sd letter of Attorney owned to be his act and Deed: John Whipple Asistant

The Wittnesess to y^e^ above sd letter of Attorney, Came before me this: 4^th^: day of: December: 1678: and owned theire hands as Attest John whipple Assistant

[Cushman Papers.]

88

Harris to the King [May, 1679].

Endorsed by Harris:—A coppy but not perfect &c

To The Kings Moste Excelent Majesty The humble Petition of William Harris of patuxet & in behalfe of his partnors in y^e^ s^d^ patuxet In y^r^ Majestyes Collony of Rhod Island & providence plantations &c In New england humblely Shewing

That upon humble suplication for releif & information of our wrongs to y^r^ Majesty for fayr tryalls by y^e^ good Country In new england we might have remedy against divers parttyes for

* Harris's seal is a letter H upon a heart, surmounted by the word VPRIGHTE on a ribbon curved in the shape of a half circle. It is reproduced from a document of 1670 in Rider's *Book Notes*, xi: 109.

divers wrongs which y^r^ Majesty Gratiously granted by y^r^ order of y^e^ 4^th^ of August 1675 And by which we optayned five verdicts & foure Judgments, one of y^e^ sd verdicts & judgment being against the towne of warwick & purchasors of y^e^ s^d^ towne &c who had entered into our lands of patuxet, of which sd purchasors of y^e^ sd towne of warwick were one John Green & Randall Holdon in y^e^ s^d^ Collony

wherupon y^e^ sd John Green & Randall Holdon petitioned to y^r^ Majesty * And then misrepresented theyr & our cas all to gether untruly stateing y^e^ matter, & y^e^ easyer to bring to pas theyr designe sugjest against y^r^ Commitionors & petitionors severall things untrue saying in theyr complaynt y^t^ y^r^ Commitionors of Massatusets were theyr profesed mortall enemyes & pretend from wrongs done to them thirty & five year since, at which time y^e^ s^d^ commitionors were not in new england, then therby not theyr such sd enemyes

Randall Holdon & John Green saying y^r^ Commitionorrs of massatusets new plimoth & Conecticot sayd (at theyr saying they apeald to y^r^ Majesty) that it would be of Il consequents to y^e^ country to alow of Any apeale to y^r^ Majesty, wher as y^r^ s^d^ commitionors in obedyence to y^r^ Majestyes command were then trying an apeal & gave Judgment upon y^t^ matter, & as they did not soe say nor credeble y^t^ they soe sd, but when they s^d^ they apeald answered to this efect, That y^r^ majestyes Command was y^t^ they should doe Justice in y^e^ case without delay, but If for theyr saying they apeald (as they might all way upon every command by y^e^ king to doe Justice) (& then Justice to be stayed) it would prevent all such remedy for any wrongs & give theyr s^d^ words power to prevent y^r^ Majestyes command, when they pleased but soe to say

but y^r^ Commitionors of Rhod Island sd It would be of Il consequents to y^e^ country to try any of y^e^ cases y^r^ Majesty commanded to be tryd, but one, for y^t^ they had not bin first tryd at Rhod Island, yet y^r^ majestyes law forbids all Corporations to forbid suits in y^e^ kings higher Courts, but all y^e^ other commi-

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* See note on p. 246.

tionors s^{d} y^{r} Majesty commanded all to be tryd, & y^{r} majesties subjects by y^{r} Majestyes lawes use to commence theyr suits out of y^{r} Corporations for more Competent tryalls in some cases in y^{r} higher Courts, And as our adversaryes lay theyr Adherents errors on y^{e} inocent, soe theyr our adversaryes guilt upon me of disloyallty to y^{r} Majesty by words have soe sugjested, for my speaking & writing against y^{e} usurpation &c of Oliver Cromwell in y^{e} time of his sd tyrany &c, though our Adversaryes & theyr party soe adhered to him as to endict & procecute me for a supposed high treason Against y^{e} sd Oliver Cromwell, * wherby they make him supreame, they then therfore disloyall to his Majesty, & after they received & proclamed Richard his son with Joye of voluntary bondfyre, & Randall Holdon offered up a pitch barell to y^{e} top of a tree aboute which they made y^{e} sd fyre & on y^{e} top fassened y^{e} s^{d} pitch barell, & by y^{e} s^{d} fires light in y^{t} dark night y^{e} dymest ey may see by touching y^{e} sd pitch theyr loyalltys defyld be & not myne for speaking & writing against theyr proceedings of y^{t} sort, And further to shew what they were I have theyr bookes in print here

And where as Randall Holdon & John Green sugest we sued for & optayned insted of y^{e} lands of patuxet y^{e} lands of warwick

we of patuxet say we only sued for & optayned only as our lands of patuxet

And only in our complaynt & demand use y^{e} names of y^{e} towne & purchasors of warwick for y^{t} in y^{t} Capasety they enter on patuxet, we must demand patuxet of them in law or y^{e} writ would have abated, And we have here our plea under publique test to prove y^{t} of y^{e} s^{d} warwick we only demanded patuxet

our Adversaryes say y^{e} Commitionors of Rhod Island were over voted by y^{e} other &c.

we answer That they all none disenting voted y^{e} Judgments, cost & damages alike (soe far as any voted) as apears under all theyr hands, & for any other objection they have made we

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* See entries in Calendar under date of 1657.

have writings under publique test to disprove, If need requir

And where as y^r^ Majesty hath granted them y^t^ all things remayne in y^e^ same state as before y^e^ meeting of y^e^ Commitionors untill we before y^r^ Majesty in Councill make out our title &c

We moste humblely pray y^r^ Majesty permit us soe to doe first

by our grants of y^e^ sd lands optayned of y^e^ Greatest Indean Monorch in actuall rule And command then there of all y^e^ Indeans in those parts y^t^ ever y^e^ English there knew, our s^d^ grant bearing date aboute five years before our Adversaryes grant, under publique test, And under y^e^ like test y^t^ our s^d^ granttor such was as afore sd And our sd title to y^e^ sd lands hath (first & last) bin Justefyd by seven verdicts six Judgments & two awards under publique test to sew, And by a grant by thyr granttor aboute five years before our Adversaryes & by confirmations by all theyr succesors under publique test to shew

And That y^e^ sd John Green his grant of his part of y^e^ sd land to one of our partnors in patuxet y^e^ sd John Green as one of our partnors sold for a valuable sum as land of patuxet under publique test I have to shew he proves our title by it And by y^e^ moste Antients record of y^e^ Antents towne in y^e^ Collony y^e^ sd land of y^e^ sd patuxet oures

And patuxet granted to us in perticuler by your Majestyes patent to y^e^ sd Collony

And for as much as our Adversaryes notwithstanding all y^e^ fores^d^ truely & Impartially exspresed seeme dissatisfide & object y^e^ incompetency of y^e^ Court, as to masatusets & conecticot thoughe we have far more cause to object acording to y^e^ equity of divers lawes y^e^ incompetency of Rhod Island who have of late sought my life & lands, & claime all land by patent right y^t^ is not purchased within their patent line with much more apter to byas them then they of Massatusets as to our Adversaryes And our Adversaryes had & used voats to elect y^e^ sd Jury men & commitionors & theyr partty & partnors Chosed y^e^ sd John Green to be a commitionor, but some wiser

then sum put it somewhat like but made not soe bad a shew at a suden, Therfore for demonstration of Impartiall Justice between all persons concerned therin of warwick & patuxet & patuxet & providence either as to lands called either providence patuxet or warwick or as to any defference thereabout betweene any persons concerned as they or any of them are of either or each of y^e^ sd places concerned with or against each other all may be fully heard truly tryd & Justly Judged & Impartially executed, by y^e^ most Competent Court in y^e^ s^d^ case in New england, And by y^e^ moste Impartiall & least suspected Jury in y^e^ s^d^ Collony Acording to such forme of law as some times in some cases is used between y^r^ subjects in England y^t^ at y^e^ last If posible Justice & peace may be optayned by y^r^ Majestyes Gratious order hitherto for want of Execution & restitution defeated & made inefectuall that all such as may see or hear of y^e^ same may by defeat & debillety be discouraged such a thing to atempt any more

And therfore moste humble pray y^r^ Most Excelent Majesty That acording to y^e^ equity of good law, And y^r^ Majestyes promesed favor In y^r^ patents to y^r^ subjects in New england That they shall have y^e^ libertyes & preveledges of y^r^ subjects in England which is to commence theyr suits out of y^r^ Corporation wher they may live, in y^r^ Majestyes higher Courts for more Competent tryalls Acording to y^e^ equity ther of we being soe remote moste humbly beseech y^r^ Majesty That you will be pleased to grante y^r^ Royall order & Command to y^r^ Governor of New Plimoth that before him in y^r^ Court ther we may by y^e^ Good Country have a fayr tryall as to all y^e^ differences before mentioned or y^t^ yet remayne as to patuxet lands or any Concerns ther aboute between us or any y^e^ fornamed, & y^t^ as law requireth y^e^ sd Jury may be least suspected, & provided for as somtimes in some cases in England We pray y^r^ Majesty y^t^ by y^e^ order of y^e^ s^d^ Govern & Court forty & eight persons of y^e^ good Country may be nomenated as may be Supposed uninterested Impartiall & least suspected, out of which y^e^ tenants in law to take twelve he or they most suspect, And y^e^ demandant twelve whome he or they most suspect, And y^t^

some one apoynted by y^e^ sd Governor & Court take twelve of y^e^ s^d^ twenty & foure y^t^ shall be counted most meet in y^e^ s^d^ cases to be y^t^ Jury to try y^e^ s^d^ matters

And for y^t^ after former use of Joyneing & pleading generall Issues, generall Issues are prohibited by y^e^ law, axcept, as in & by law provided for, & yet generall Issues admited ther we humblely beeseech y^r^ Majesty y^t^ y^e^ demandant & tenant may be put to Joyne perticuler honnest lawfull Issues or be compeld by y^e^ sd Court soe to doe, for y^e^ Clear pleading Certayne verdict & Just Judgment thereupon

And I haveing bin undone by y^e^ late war & spent y^t^ litle left me (besyd my land noe revenue) on my sd suit in law prolonged by y^e^ Implakeabillety Coven & Colution of my Adversaryes & theyr Adherents, which contayne those of warwick & of providenc y^t^ bear y^e^ present sway in y^e^ sd Collony of Rhod Island with others of y^e^ sd Collony to whome ten years since I lent some mony & payd it for them in london who six year since made an order I should be y^e^ next payd* but yet I can get noe thing but wrongs of them, they owing me twenty pounde, which is now twentitimes more to me then before y^e^ late Indean war ther Therfore humblely Implore y^r^ Majesty to grant y^r^ Order & Command to y^r^ s^d^ Governor & Court of new plimoth that I may have remedy by a fayre tryall by y^e^ good Country, & y^t^ y^e^ s^d^ Collony of Rhod Island may be required by writ out of y^r^ sd Court of New plimoth to send theyr Aturny & Answer & abide y^e^ Judgment

And by some persons officers in y^e^ sd Collony partially doe-

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*At the November session in 1679, the General Assembly had "Voted, whereas, there hath been moneys disbursed by Mr. William Harris paid to Mr. Deane, in England, to reimburse charge, for procureinge the Charter . . . he be paid by the Generall Treasurer . . . the first money from the Treasurer thats drawne." (*R. I. Col. Rec.*, ii: 478). On 2 December, 1679, they again voted that "the said sum be truly paid . . . with all convenient speed" which order they suspended 5 May, 1680, and again renewed 27 October, 1680 (*Idem*, iii: 75, 88, 94). On 21 November, 1699, they voted that "Capt'n Arthur Fenner be paid the twenty pounds that was due to William Harris" (*Idem* iii: 384).

ing I have bin & yet am deprived of an administration of forty pound due to me & a brother of myne by y^e^ death of a sister of oures y^t^ dyed intestate* the sd administration granted to one y^t^ was but a cusin or neere her husband one James Clarke & y^e^ Court there consisting mostly of his kindered & will & use to put in moste suspected Jury men in such cases therfore in noe exspectation of right there humblely pray y^r^ Majesty I may have a fayre tryall by y^e^ good Country in y^e^ sd Court of new plimoth agaynst y^e^ sd James Clark as to y^e^ s^d^ Administration of y^e^ sd goods & right ther to, which If y^r^ Majesty be pleased to grant will by y^r^ Majestyes Governor & Court be put in performance which will enure an acknowledgment & obedyence to y^r^ Majestyes sovereignety by all y^e^ fore sd And will be incoragment to such as throughe fraylty ther happen to be opresed when releived, And y^r^ petitionor shall fervently & constantly pray for y^e^ long life & prosperous Reigne of y^r^ Majesty And Immorttall Crowne y^t^ will never fade away y^r^ petitionor doth pray

William Harris

[From R. I. Hist. Soc. MSS. vol. 5, no. 928.]

89

Harris to Winslow, 25 September, 1679.

Addressed by Harris :—ffor The Worshipfull The Governor of Newplimoth

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*William Harris and his brother Thomas had applied to the Town Council of Newport, 3 July, 1676, for administration on the estate of his sister, wife of Thomas Roberts (See p. 161). The relationship between Roberts and Clark is not apparent. In Harris's inventory, 1682, is mentioned "One quarter part of y^e^ Estate of y^e^ deceased widdow Parnill Roberts, belonging to William Harris . . . in y^e^ hands & custodye of James Clarke of Newport, which cannott be Come at to be now vallued" (*Prov. Rec.*, vi: 85).

[ ] Governor And Majestrates of the Col
[ ] blely shewing And praying
That [ ] Kings Majesty Hath bin pleased to Grant His Royall Letters In favor of Justice (Bearing date at Winsor ye 9th day of July 1679) To yr selves Therin Commanding That Randall Holdon & John Green be Called before yu And Allsoe therin sd (As to ye second Verdict) (And haveing in due maner Examined ye pretentions of ye sd Harris unto lands possesed by them &c I Humble pray be pleased soe to doe And I shall make my apearance At your next Court, And If it pleas your Worships Convey summons to ye sd Randall Holdon & John Green And any others whome you pleas to Call before you.

In behalf of ye proprietors of patuxet

William Harris

25 Sept 1679

[Cushman Papers.]

90

R. Smith to Sir Robert Southwell,* 29 September, 1679.

Endorsed :—From Mr. Smith in the Narragansett to Sir R. Southwell. Recd the 5th of March, 1679–80.

Much Hounored Sir, my humbell servis presented to you with returens of my humbell thanks to you for your favor and kindness to me when with you relating to the furthering of my Petitions to be red, I was then in hopes that Mr Randolph

* Southwell (1635–1702) after filling various positions in the home and foreign diplomatic service, took up his residence at Spring Gardens, London, in 1669, where he continued to live, except when abroad on government business, during the rest of his life. He was a member of parliament, and in 1679 was clerk of the privy council, which was doubtless one reason why Smith addressed him.

would have gotten me outt orders on them both; but I understand hath nott; its probable Randoll Houldon and John Grene, Warwick Messengers might obstruct it by giving false information, as they have done in maney other things relating to the Naragansett Country and of the rest of the Coloneys in newe England and of M^r^ William Haris, whome they have most notoriously abused and forced a posetion on his interest, and those of Rhode Island comploys with them, and doe now since the coming home of these two base felowes Houlding and Greene force possessions on severall of ower Lands here in the Kings Province att Naragansett notwithstanding his Maj^ts^ letters sent by them, comanding the Coloneys all of them the contrary, which made us the first settlers and ainctiant inhabitants drawe up a remonstrance and Peticcon humbly to present to his Maj^ty^ requesting his gracious favor, we derected it to M^r^ William Harris in a letter, and deseyred him to deliver it for us to his majesty or gett it done; butt he is here arrived before it came to hand,* so that it lyes inclosed in that letter att his Landlords one John Stocks a Baker in Wentworth Street nere Spitell Felds, a copia of which I have here inclosed, requesting your favoraball aspect thereon and you would helpe us, that his Maj^ty^ and Counsall maye have the sight thereof, and we have an ordor for ower release, which shall for ever oblege us. We are nowe Governed by Mens Wills and most of them Quackers, and of such and worse doe Rode Island consists; they were left by the Kings Comishonors as justices to order afayrs att present untell his Majestys pleserses were farther knowne and instede of that they exaceys theyer Paten Right.

Contrary to his Majestys plesewer, it have latly writt to the King to beige this Naragansett Country which if granted, they will disposes the Inhabitanc here of theire rights, if it be to be

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* In a letter from Abraham Kick of Amsterdam, to Increase Mather, 15 December, 1679 (*4 Mass. Hist. Socy. Coll.*, viii: 597), he writes: "I suppose Mr. Williams did write you . . . by Mr. William Harris, whoe departed from hence the beginning of Septem[ber] last."

procured, I would your Honour would get the signoroty of it, as to Government and further settlements, which in proses of time would be very profitable to your selfe and posteraty. I have by a letter requested Squire John Lewen* to take up that remonstranc and Peticion, and advise with your selfe as to getting it presented, which I hope he will doe; butt if that should miscerey, this inclosed is the same. I make bould also to acquaint you, that latly I was arested att Rhode Island, as by the inclosed Copia of theyer warent you may see,† no charge in it for what, and then deteyned from Seterday tell Wensday in the afternoon, and then they met the Gov^r and Counsall, and drewe up a charge: 1^st^ for presenting a Petition in Eingland tending to the subversion of theyer Govern^t^. 2^nd^ for denying the Kings athoraty. 3^rd^ for charging their Court with injustis. The Peticions I presented was those you sawe, and about 6. or 7. years since they came over to Naragansett to kepe Court & so sate by verty of theyr Charter, here in the Kings Province, which I forbid them to doe because of the Kings Comishonors ordr, which forbid aney to exacyes jurisdicion butt those apoynted by themselfs, and if that order was void then Coneticott patten had presedens I told them, and as to charging them with injustis, I did not, butt might verey well relating to one M^r^ John Saffen a very fine discreet person who is a propryotor in Naragansett Countrey who set up an advertisment‡ to give notis that if aney person were willing to settell in Nara-

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* An English agent who, in 1680, was urging the claims of the Narragansett proprietors in London (*Cal. State Papers Col., Am. & W. I., 1677–80*, no. 1532, 1537).

† Signed 19 July, 1679. This, with Smith's petition and other documents relating to to the affair, is printed in *R. I. Col. Rec.*, iii: 49–52.

‡ A printed broadside, headed "An Advertisement," dated Boston, 30 July, 1678, and signed by Simon Bradstreet, John Saffin and Elisha Hutchinson. It is reprinted in *R. I. Col. Rec.*, iii: 18, where there is the vote of the assembly which led to Saffin's arrest. Massachusetts retaliated by arresting Albro, a Rhode Island Assistant, in October, 1679. The various proceedings regarding the Narragansett lands are described in documents printed in *R. I. Col. Rec.*, iii: *passim*.

gansett they might be acomodated att esey terms, and this was done in all places of the Countrey without asent, only att Rhod's Island they took asent . . . Mr Saffen, and the next time he came there arested him on a Sunday night, tryed him at theyr next Court in Maye last, tryed him by a Jurey that severall of them had forced posecion on his Land and the Foreman had presudged his cause beforehand, all which he chalinged of, butt could not have it granted, so brought him in Guilty of what they have noe Lawe for, that his Estate should be forsed to their Coloney all of it and fined him thirty pounds more to paye in money or to Ley in prison while payd, which money he paid, and if this be not injustis, I knowe not what is. I must come to a tryall before them next October, and if they abuse me, at that rate as I question not but they will, I will move to Eingland and have it rehard, where I will waight one you, soe I beige your pardon in being so bould to acquaint you with what is here expresed, and to request soe greate a favour of you after former, butt ame the more imbouldned because I knowe your good nateur, and that your inclynacon is to helpe those that are wronged, and that you layd your commands one me to wright to you of the afayers of this Cuntry, which makes me the boulder. Here is peace noe hostilaty or warr, the heathen most killed & taken sume are fled remote and doe no damage. A prodigious and dredfull fyer hath latly hapned in Boston Towne, in which is conseumed att least 200000£ sterling; sume thinke it sett on feyr by deseyne, by Bapist but not knowne; it bracke out betweene 12 and one a cloke in the night;* we are sume what alarmed at the French Fleat in West Indya for feare they have a deseyne one new England—a greate yeare for frute & Coren; Sider in abundans. Much hounored Sir I have nott else butt wishing the prosper-

* The Boston fire of 7 August, 1679, destroyed eighty dwellings and some seventy warehouses. In October, the general court ordered ten persons to be banished as incendiaries. Cotton Mather and others declared it to be divine punishment for the wickedness of the town, and the Quakers held that it was a fulfilment of their prophecies.

ety of your selfe your Lady and children, I remayne your most oblig[d] and humbell servant

Rich[d] Smith

From Naragansett in Kings Provenc this 29[th] day of Sept[r] 1679.

[Transcript in the John Carter Brown Library from the original in the Public Record Office, London, Colonial Papers, vol. xliii, no. 129; see *Cal. State Papers Col., Am. & W. I., 1677–80*, no. 1132.]

91

Proceedings of Rhode Island Council, September–December, 1679.

At a Meeting of the Gen[rl] Councell of his Majestys Collony of Rhode Island and Providence Plantations Conveaned by the Governours Warrant and held in Newport the 30[th] of September 1679 (at the house of Robert Lavvis)*

Where was present

Major John Cranston Governour	Capt John Albro Assistant
Walter Clarke Dept. Governor.	John Sanford Assista~
Caleb Carr Assistant	Capt. Samuell Gorton Assista~
Thomas Ward Assista~	Thomas Green Assista~
Joseph Clarke Assista~	

His Majestys Letter brought by William Harris being Read This Councell haveing Seariously perussed and Considered his Maj[ties] Gracious Letter to us from his Royall Court at Winsor beareing date the 9[th] of July 1679 Concerning Verdicts Obatained in favour by William Harris and partners, at an Especiall Court held by his Maj[ties] Authorety; by Comissioners

* Probably Robert Lewis, of Newport, who made his will 12 April, 1682.

of the four Collonys Viz Massathusetts Plymouth Conecticutt and Rhode Island &c: against John Towers of Hingham, Gregory Dexter and others, John Horrud and others, and Edmund Calverly & others

In true Complyance unto his Majties Royall Comands wee owne all due Allegience in the performance thereof; and that Justice accordingly may be done: here not beinge the persons who are Charged to be the offenders; And that they may have Notice (if it may be) to know whether they are willing to Comply to his Majties Comands without Execution, and alsoe for further Consideration of the prmisses it being a Case of great moment and Concerne This Councell doe Adjourne untill the 20th day of this Instant month October then to meett againe at Newport,

And alsoe it is agreed that Notice hereof be given to the severall persons Concerned or to soe many of them as Conveniently may have Notice that they appeare before the said Councell, and the Governor is desired to signe what shall be sent to the severall persons.

Captn. Arthur ffenner and mr Gregory Dexter and whoe else it may Conceerne of the Towne of Providence.

Gentlm:

The Governor and Councell haveing Recieved and perussed a letter from his Majesty; brought by mr William Harris wherein wee are Comanded to grant forth Execution in severall cases between the said Harris and others at an Especiall Court held by Comissioners of the four Collonys at providence, wherein wee perceive a Verdict and Judgment was against your selves. That his Majties Comands may be truly performed, this Councell have adjourned untill munday the 20th of this instant October then to meet againe in Newport to know whether you will Comply in the performance of the Judgment of the said Court without Execution, and you are desired to bring the platt presented to that Court with you, to the Councell at their next sitting that soe wee may be the better informed in proceeds. You are alsoe desired to informe

the Assistants at providence of the Councells meeting, and that their Company & Assistance is then desired and Required.

John Cranston Governor.

Signed in Newport the 2nd of October 1679

John Horrud, Roger Burlingham and Thomas Relph &c The Governor and Councell haveinge Recieved and perussed a Letter from his Majesty, by mr William Harris wherein wee are Comanded to grant forth Execution in severall Cases between the said Harris and others, at an Especiall Court held by Comissioners of the four Collonys at providence, wherein wee percieve a Verdict and Judgment was against yor selves; That his Majties Comands may be truly performed, this Councell have adjourned untill munday the 20th of this Instant to know whether you will Comply in the performance of the said Judgment without Execution.

John Cranston Governor.

Signed in Newport the 2nd of October 1679.

Octor. 20: 1679 the Gor. and Councell mett, & adjourned till the 29th Instant: Octobr: 29: the Gor & Councell mett and adjourned till munday ye 3 of Novemr next. Nor. 3: 1679 the Governor and Councell mett where was present At Newport

Major John Cranston Governor	Joseph Clarke Assistaⁿ
Walter Clarke Dept Governor	Stephen Arnold Assistant
Caleb Carr Assistant	Capt Arthur ffenner Assistaⁿ
Thomas Ward Assistaⁿ	John Sanford Assistaⁿ

And upon searious Consideration Ordered: That the Governor be pleassed to send forth warrant to Mr Dexter Captn ffenner and the Inhabittants of providence to appeare at the next meeting of this Councell.

This Councell is adjourned untill the 17th of this instant November.

To mr Gregory Dexter Captn Arthur ffenner and the Rest of the Inhabittants of the Towne of providence.
Gentlm.

The Governor and Councell haveing been Comanded by his Majtie to grant forth Execution in a Case formerly brought to Tryall at an Especiall Court of Comissioners between mr William Harris & partners and yor selves; and being desireous that his Majties Comands may be performed in the Justist way that may be, have adjourned untill the 17th day of this Instant November at Newport in Expectation at that time to have more full information of the true state of that matter, Therefore these are in his Majties Name to desire and Require you either by yor selves or Representetives to appeare before the Councell on the said 17th day hereof you are not to fayle.

John Cranston Governor
Signed in Newport the 5th day of November 1679

To Captn Arthur ffenner and mr John Whipple (or either of them) Assistants
You are in his Majties Name hereby desired and Required to take Efectuall Care with all Convenient speed to Call the free Inhabittants of the Towne of providence together in Order to the performance of the above written hereof ffayle not. Signed in Newport the 5th day of November 1679
John Cranston Governor

November 17th: according to the aforesaid Adjournment the Governor and Councell mett: where was present

Major John Cranston Governor
Walter Clarke Dept Governr
Caleb Carr Assistant
Thomas Ward Asistat
Joseph Clarke Assistat
Arthur ffenner Assistant.
John Whipple Assistat
John Sanford Assistat
Thomas Green Assistat

The Kings Most Excellent Majesty Our Soverreigne Lord Charles the Second King of England Scotland ffraunce and Ire-

land Defender of the faith &c, by his Royall Comands in his Letters from his Court at Winsor beareing date the 9th day of July 1679 in the Thirty first Yeare of his Reigne, haveing been pleased to Comand the Governor. and Majestrates of this his Majties Collony of Rhode Island and Providence Plantations to Cause the first and three last Verdicts and Judgments of an Especiall Court begining and held at the Towne of Providence in the Collony affore-said the 3d day of October 1677 to be duly Executed, accordinge to the said Verdicts and Judgments thereon: the said Actions being Comenced by mr William Harris and Partners, against John Towers of Hingham, Gregory Dexter and others, John Horrud and others & Edmund Calverly and others:

As loyall subjects in due and true Obedience unto the Comands of Our Dread Soverreigne. Wee the Governor and Majestrates of his Majties Collony afore-said haveing inspected the said Matters; Have and doe Order that Executions be Issued forth, and posession given unto the said William Harris and his partners according to the severall Verdicts and Judgments of the said Especiall Court in Refferance unto the land of pawtuxet and the Damages and Costs by them adjudged and exprest in the said Verdicts and Judgments: And by his Majesties Royall Comands to be performed.

And for the absolute performance of the premisses Wee have Constituted appointed and Empowred John Smith of the Towne of Newport to be Marshall In the serveing and performinge, the Severall Executions and giveing posession of the said Lands at pawtuxett unto the said William Harris and partners according to said Verdicts of Jurry and Judgments of the said Court.

And for the speedy efecting thereof Wee have Ordered the said John Smith forthwith to Repaire to the said pawtuxett in the Towne-ship of Providence afore-said and there apply himselfe to the said William Harris and partners, that they shew him the lands by them Claimed, and are truly Contained in the said Verdicts, that soe the said John Smith may give them posession upon the said lands or part thereof according to the

Verdicts. And Wee Order that this be done and performed with all Convenient speed.
And Therefore have Issued forth two Executions, the one against Mr Gregory Dexter Captn Arthur ffenner and the Towne of Providence, the other against John Horrud Roger Burlingham and Thomas Relph. And in Reference to the Verdict and Judgment against John Towers of Hingham, the plantiff William Harris under his owne hand and before this Councell haveing declared himselfe Satisfyed in that Case as to the damages and Costs, and soe withdraws the granting of Execution thereon: Yett as to that part of the Jurrys verdict Relateing to the lands, Wee Order that Execution be given forth the plantiffs paying the Charge thereof:
And Wee Order that the Governor and such of the Majestrates as Can Conveniently doe signe the Executions
Novembr: 24: the afore-Named mr John Smith before the Governor. and Majestrates gave Oath to the place of a Marshall for the true and faithfull performinge the severall Executions:

To Mr John Smith of the Towne of Newport appointed and Empowered to serve and performe this ffollowing Execution.

Whereas his Most Excellent Majestie Our Dred Soverreigne Charles the Second of England Scotland ffraunce and Ireland &c King defender of the faith &c, Hath been pleassed by his Royall Letters from his Court at Winsor beareing date the 9th day of July 1679, To Comand the Governor. and Majestrates of this his Collony of Rhode Island and providence plantations &c to Cause the due Execution of Verdict of Jurry and Judgment thereon, at an Especiall Court of Comissioners held at Providence October the third 1677. In the Complaint of Thomas ffield and William Harris in a plea of Lands at pawtuxett, Against mr Gregory Dexter, Captn Arthur ffenner and the Towne of providence tennants by force in not runing an equall line between pawtuxett River and Wenasquetucett River, The Jurrys Verdict being in these Express words,

Wee finde for the plantiffs two pounds in Mony damage and Cost of Court, And alsoe that the said defendants run the afore-said line equally between pawtuxett river and Wenasquetucett river till they meet with a thwart line from the head of Wenasquetucett, directly runing to pawtuxett river.

In Obedience unto and for the true performance of his Maj^ties^ Royall Comands, These are In his Maj^ties^ Name to Empower Authorize, and Require You John Smith with all Convenient speed to Repaire unto the aforesaid lands at pawtuxett, and there give peaceable and quiett posession unto the said Thomas ffield and William Harris of those lands at or of pawtuxett by them sued for, according to the express words of the afore-said Verdict, and Judgment of Court thereon

You are alsoe Required to levie and Execute on the afore-said defendants m^r^ Gregory Dexter, Cap^tn^ Arthur ffenner, and the Towne of Providence, their Lands goods Cattell or Chattells the full sum of two pounds in Mony the damage given in the said Verdict, and the sum of Ninteen pounds nine shillings and tenn pence in or as mony the bill of Cost allowed by said Court, and the said sums truly to deliver or cause to be delivered unto the said plantiffs Thomas ffield and William Harris or unto their lawfull Order. You are alsoe authorized to levie and Execute the Costs and Charges by law due for this Execution and the Serveing thereof: And you are with all Convenient Speed to make a true Returne of your proceeds herein unto the Governo^r^ of this Collony, hereof fayle not: .

Given under Our hands the 24^th^ day of November in the thirty first yeare of his Maj^ties^ Reigne 1679

John Cranston Governo^r^
Caleb Carr Assistant
Joseph Clarke Assistant
Arthur ffenner Assistant
John Sanford Assistant

[The warrants to Smith to serve execution upon Harrud, Burlingame, and Ralph, as well as upon John Tower, are here omitted, since they are drafted in almost identically the same language as the preceding warrant].

To m^r John Smith of the Towne of Newport appointed and Empowered Marshall for the serveing three Executions Given forth by the Governo^r and majestrates of this his Maj^ties Collony of Rhode Island and providence plantations &c In Obedience to his Maj^ties Comands by his Royall Letters dated at his Court at Winsor the 9^th day of July 1679 (said Executions dated the 24^th of November 1679.

In true and faithfull Obedience to and Complyance with his Royall Majestys Comands and that the said Execution may be duly and truly Executed, all persons within this his Maj^ties Collony afore-said are hereby in his Maj^ties Name Comanded and Required to Yeild all due obedience, and Assistance as need shall Require unto his Maj^ties Authorety, by the Governo^r and Majestrates given you in the said Executions for the due Execution of the premisses in each Execution Contained and Exprest, and as need doth Require You are Empowered to Require and take suffitient ayde and Assistance for the performance thereof, whereof they are Not to fayle at their perrill.

John Cranston Governo^r
Caleb Carr Assistant
Joseph Clarke Assista^t
Arthur ffenner Assista~
John Sanford Assista~

M^r William Harris and partners
Gen^tlm.

These are to informe You that according to his Maj^ties Royall Comands to us; and Yo^r desires wee have granted forth Executions in three Casses, Viz. against John Towers of Hingham, m^r Gregory Dexter Cap^t Arthur ffenner and the Towne of providence, John Harrod Roger Burlingham and Thomas Relfe, and have appointed m^r John Smith of Newport a Marshall for the serveing and performing the said Executions; And have advissed him to apply himselfe to you^r selves, that you acompany him to the said lands at or off pawtuxett, that are truly Contained in the severall Verdicts to be Executed on,

and posession given accordingly, and of him take posession thereof; and alsoe to shew him the true Estate of the defendants to be Executed on for damage and Costs according to the said Executions.

Signed In Newport by Order of the Governo^{r} and Majestrates the 24th of November 1679

John Sanford Secretary.

By Vertue of the Governo^{rs} Warrant the Councell Mett at Newport Decemb^{r} 15: 1679: in Order to Recieve the Returne of the Marshall John Smith Concerning the severall Executions he was Authorized to serve and performe:

where was present.

Majo^{r} John Cranston Governo^{r}	Joseph Clarke Assistant
Walter Clarke Dep^{t} Governo^{r}.	John Albro Assistant
Caleb Carr Assistant	John Sanford Assistant
Thomas Ward Assistant	

To the Honord the Governo^{r}. and Majestrates of his Maj^{ties}. Collony of Rhode Island and Providence Plantations &c in New England:

The true and faithfull Returne of John Smith Empowred Marshall for the serveing of three Executions given in favour of William Harris and partners, Is Humbly Presented.
By vertue of a Comission from you Recieved dated the 24th day of Septmb^{r}. 1679 and unto me directed I was inabled to serve and performe (the above) three Executions as in them was Contained and Exprest upon the reciept of which, I in Complyance thereto did Repaire unto the lands at or off pawtuxett, and to the Towne of providence, And did there arive the 1st. day of this instant, the second day I applyed my selfe to William Harris and partn^{rs}. at Nathaniell Watermans house in the said Towne of Providence, and to them I delivered the writeinge or Noat from yo^{r} Hono^{rs} directed to them, the which being Read they desired to see my Comission I complying

therewith, it was read likewise the Execution against John Towers, and what else they desired, with all which they seemed to be well satisfyed, Then I desired of them a Copy of the bounds of the lands they sued for, and were to be posest of; under their hands, that there by I might be the more Capable to discharge that trust Comitted unto me in the serveing the said Executions, and have some thing for my defence (under their hands) against any that after might question mee, with which they Complyd saying twas good Reason and that I should have it, I then quiered how the Claime of John Towers was bounded, William Harris Replyed he had not then the deed, but it came Eastward to pachassett river, so wee appointed the 5th day of the weeke being the 4th day of the moth for they to acompany me to the lands they were to be posest of, and of me to take posession accordingly, and then to meet at the dwelling of William Harris at pawtuxet, the 4th day being come some that I had Comanded as my Ayd being a foot, I ordered with others that were then abscent to meet where one Ephraim Carpenter lived by pachassett river,* it being neer the lands sued for, and neer the place where the grand Controversie between sd Harris and partners, and the Towne of Providence began, And I would ride and Call William Harris and partners and Come to them and from thence goe to the lands afore sd. And Coming to the said William Harris his dwelling, where was present with him his two partners viz Thomas ffield and Nathanll Waterman, unto them I applyed my selfe and desired a Copy of the bounds of the lands they sued for as they had promissed, but they Refussing would not, Then I desired them to acompany me, to the place where Ephraim Carpenter lived where my Ayd was, and from thence to the said lands, and after a small pause they seemed to be willing and in short time hasted away, and haveing gon some distance from sd place of

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*Carpenter married Harris's daughter Susanna in 1677, about which time he removed to Oyster Bay, Long Island. In 1670 he had received from his father, William Carpenter, the house at Rocky Hill, near the present village of Arlington.

Harris his dwelling I Judged that was not my way, and caussed a jenerall halt, and had some debate with said Harris and partners: ffor the substance of which, I Referr you to the Insueing Testamonys of credable persons (being there present) taken by the Authorety which is as followeth,

Viz[t] 1. Capt[n] John Green* aged about 59 Yeares being depossed Testefyeth that he being present together with John Smith Impowred Marshall (to give posession of severall lands sued for by William Harris and partners at pawtuxet at a speciall Court of Comissioners held at providence the third day of October 1677) and John Arnold, at and neer the dwelling of s[d] William Harris of pawtuxett where was present with s[d] Harris his two partners Thomas ffield and Nathaniell Waterman, of whome the said Smith desired a Copy of the bounds of those lands they sued for that thereby he might be Capable to give them posession, and in pertickular those of John Towers his Claime in Regard that was the first they sued for, but they Refussing William Harris said he would goe to Meshantatatt, The said Smith desired him and them to hear his Comission, and goe to Ephraim Carpenters (where his house was by pachassett river) for there he had appointed his Ayd to meet him, but they all Refussing would Niether here the Comission nor goe with the said Smith, on which the said Smith together with my selfe and John Arnold went to the afore-said place where Ephraim did live, where his Ayd was attending, and after a Considerable stay for William Harris and partners (and they not Coming) left two men of his Ayd, and went with the rest on the lands sued for: The above John Arnold† aged about 30 yeares being depossed Testefieth the truth of all thats above written:

This was Taken upon Oath the 4[th] day of December 1679 By mee Stephen Arnold Assistant

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*John Greene of Warwick (1620–1708).

†John Arnold of Providence (1648–1723).

2 Capt^{n} John Green aged 59 yeares and John Arnold aged 30 yeares, being depossed according to law Testefyeth, that they being in Company with William Harris and partners, at and Neer William Harris his house or dwelling at pawtuxett where they heard severall passages of discourse depending between John Smith and William Harris & partners touching giveing posession, where the said Marshall John Smith desired and demanded of s^{d} William & partners to acompany him to Ephraim Carpenters where his Ayd was, and from thence to acompany him and Ayd to the lands of pawtuxet they sued for, The said Harris and partners Refussing would not, the s^{d} Smith on that their Refuse, said he Expected there to meet them, and did not then at all promiss to meet or come to William Harris and partners to any other Place (as wee heard) the above adjetation was on the 4th day of December 1679:

Taken upon Oath the 5th day of December 1679 By mee Stephen Arnold Assistant

3 And that William Harris and partners did not Come to the place appointed that day appears by the insuing Testamony

viz Capt^{n} William Hopkins* aged 32 yeares and John Arnold aged 30 yeares being both depossed according to law Testefyeth that they being Comanded to Assist John Smith Marshall in giveing William Harris and partners posession of those lands they sued for at an Especiall Court of Comissioners held at Providence October the third 1677, at pawtuxet the s^{d} Smith Ordered the said William Hopkins and John Arnold to stay where Ephraim Carpenter lived for William Harris and Partners, and w^{n} they came to Conduct y^{m} unto the said Smith & Marshall, that staied on the said lands of pawtuxett w^{ch} they sued for, that they

*William Hopkins of Providence (1647–1723), who included surveying among his other occupations.

there might take possession according to the Express words in the verdicts and Judgments thereon. And there they stayed till sun sett but Niether Harris nor partners Came:

Taken upon Oath the 4th day of December 1679 By me Stephen Arnold Assistant.

4 And that I was on the lands (sued for &) claimed by John Towers, and tendered posession according to my Comission (and Execution) appeares by the Testamonys on the back side thereof In these words following

viz Captn John Green Aged 59 Yeares or there abouts being depossed according to law testefieth that on the 4th day of Decemr 1679, he being with the within Named John Smith Marshall on the lands at or of pawtuxett, which the within plantiffs sued the within defendant for (as an Assistant unto the said Smith in the giveing posession as is within Exprest did here the said Smith make proclamation three severall times, Calling for the within, William Harris Thomas ffield and Nathaniell Waterman to Come and here the within Comission Read and take posession according to the Contents thereof, and then read over the within Comission, and cutt up a turff and twig and made proclamation as before Calling the said William Harris and partners three severall times, to Come and Recieve posession accordingly and staying untill sun sett, and none appeareing wee departed from said lands and further sayth not

Taken upon Oath the 4th Day of December 1679 By me Stephen Arnold Assistant.

5 Capt. Andrew Edmunds Aged 40 yeares or thereabouts, and John Louell Aged 28 yeares, and Samuell Winsor* Aged 35 Yeares, being Depossed according to law testefieth the truth of all yts above written

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*Andrew Edmunds of Providence (1639–1695), John Lovell of Providence (1651–) and Samuel Winsor of Providence (1644–1705).

Taken upon Oath the 4th Day of December 1679 By mee Stephen Arnold Assistant.

And that I tendered posession of the lands mr Gregory Dexter, Captn Arthur ffenner and the Towne of providence was sued for (according to my Comission) appeares by the testamonys on the back side thereof in these words following

viz 6 Captn John Green Aged 59 yeares or thereabouts being depossed according to law testefieth that on the 4th day of Decembr. 1679, he being with the within named John Smith Marshall at the lands at or off pawtuxett which the within plantiffs sued the within defendants for (as an Assistant unto the said Smith, in the giveing posession as is within Exprest, Did heare the said Smith make proclamation three severall times, Calling for the within, William Harris and Thomas ffield to come and heare the within Comission Read, and take posession according to the Contents thereof, And then Read over the Comission, and Cutt up a turff and twig and made proclamation as before Calling the said Thomas ffield and Willia~ Harris three severall times to Come and Recieve posession accordingly, and staying untill sunsett, and none appeareinge wee departed from said lands, And further saith not :

Taken upon Oath the 4th day of Decembr. 1679 By mee Stephen Arnold Assistant.

7 Captn Andrew Edmunds, aged 40 yeares or thereabouts, And John Louell aged 28 yeares and Samuell Winsor aged 35 yeares being depossed according to law testefyeth the truth of all thats above written :

Taken upon Oath the 4th day of December 1679 By mee Stephen Arnold Assistant.

And that I tendered posession (according to my Comission) of the lands Harrud, Burlingham and Relfe was sued for, Appeares by the Testamonys on the back side thereof in these words ffollowing

viz 8 Captn John Green Aged 59 yeares or thereabouts being depossed according to law testefyeth that on the 4th day of December 1679, he being with the within Named John Smith Marshall on the lands at or of pawtuxett which the within plantiffs sued the defendants for (as an assistant unto the said Smith in the giveing posession as is within Exprest, did heare the said Smith make proclamation three severall times Calling for the within Thomas ffield Nathaniell Waterman and William Harris to Come and heare the within Comission Read and take posession according to the Contents thereof, and then Read over the within Comission, and Cutt up a turff and twig, and made proclamation as before, Calling the said William Harris and partners three severall times to come an Recive posession accordingly and staying untill sunsett and none appeareing, wee departed from the said lands, and further sayth not.

Taken upon Oath the 4th day of December 1679 By mee Stephen Arnold Assistant

9 Captn Andrew Edmunds Aged 40 yeares or thereabouts, and John Louell aged 28 yeares, and Samuell Winsor aged 35 yeares being depossed according to law testefyeth the truth of all thats above written:

Taken upon Oath the 4th day of Decembr 1679 By mee Stephen Arnold Assistañ

Haveing proceeded and passed through matters as is before Impartially by me Related, I shall goe on with the Second, and leave it to yor Honors. discressions to Judge, whether or noe, William Harris and partners ever Intended to be posest of the said lands they sued for and to have the damage and Cost (allowed them by the Court) according to my Comissions, And first with Nathaniell Watermans Disincouragmt I begin, Referring yor Honors to the testamony of John Louell which is as ffolloweth:

viz 10 John Louell aged 28 yeares or thereabouts being depossed testefyeth and saith that on the fifth day of De-

cembr 1679, as he was Coming home toward the Towne of Providence (from the assisting the Marshall John Smith, who Comanded him to attend and assist him in the giveing posession to William Harris and Partners of the lands of Pawtuxett according to verdicts of Jurry, and Judgments of Court thereon, as in the said Smiths Comission was Contained and exprest) he the said Louell mett with Nathaniell Waterman, one of the sd partners, & Notwithstanding the sd Louell was Cōmanded, by vertue of a warrant from the Authorety of this Collony of Rhode Island &c (given in favour of William Harris & partners) in his Majties Name to accompany the sd Smith, in the execution of his Comission; Yett the sd Waterman Reflected on him the said Louell for soe doeing saying why goe you fooling and spending yor time and Neglecting yor bussines, the sd Waterman then being partnr wth sd Harris to Recieve the posession which ye sd Louell was Engaged to assist in giveing of, And further saith not at present memory

Taken upon Oath the 5th day of Decembr: 1679 By mee Stephen Arnold Assistant:

Haveing proceeded as aforesd I waited the 5th day of the Moth expecting to have seen sd Harris & partnrs with Instructions for the Executing the latter part of my Cōmissions, but not speaking with them, the next day I was informed that William Harris (the principle Person) was gon towards the Narragansett, soe I waited untill the 8th day of ye Moth. and heareing Nothing from them Cōmanded Ayd, & did proceed, as the testamonys hereunto annexed doth in substance declare wch are as ffolloweth.

viz 11 Captn John Green Junior. Aged 28 yeares or thereabouts, and John Cornish aged 21 yeares or thereabouts being Engaged according to law testefyeth, that they being desired and Required on the 8th day of Decembr 1679 to acompany John Smith Marshall, who was impowred to deliver posession of Severall lands at pawtuxett sued for by William Harris and partners, at a speciall Court of Comissioners

held at providence October the third 1677, as in the s^d^ Smiths Comission from the Authorety of Rhode Island given in favour of s^d^ Harris is fully Contained & Exprest, did on the 8^th^ day abovs^d^ acompany the s^d^ Marshall unto the dwelling of said Harris at pawtuxett, but he being not at home, he applyed himselfe to the daughter of said Harris Called Howlong, who informed that her father was gon to Narragansett, the s^d^ Marshall told her he came to demand of him the fees due by law in the Case of John Towers, w^th^ whome her father had Complyed (and to shew him the Estate of the defendants to be Executed on for the Cost and Damages Contained in his Executions, the said Howlong Replyed that her father had Recieved some of the mony of Towers, And had left his brother Thomas Harris his Attorney, and she had Carried that s^d^ letter of Attorney to him:

Taken upon Oath this 9^th^ of Decemb^r^ 1679 Before Samuell Gorton Assistant:

The said William Harris not being at home but haveing left an Attorney I with my Ayd went to the Towne of Providence where the s^d^ Attorney lived, & proceeded (as in substance) these following testamonys doth Relate w^ch^ are as ffolloweth:

viz 12 Capt^n^ John Green junio^r^, aged 28 yeares or thereabouts, and Massey Mallery aged 27 yeares, and John Cornish aged 21 yeares or thereabouts, being depossed according to law testefyeth, that they being Required to acompany John Smith Marshall who was Empowred to give posession of severall lands at or of pawtuxett sued for by William Harris & partners at a speciall Court of Comissioners held at providence October the third 1677, as in the said Marshalls Comissions from the Authorety of Rhode Island and providence plantations, given in favour of said Harris and partners is fully Contained and Exprest, Did on the 8^th^ day of December 1679, acompany the said Marshall to the Towne of Providence, and unto the

dwelling house of Nathaniell Waterman, who is one of s^d^ Harrises partners, but he not being at home they went to the dwelling house of Thomas ffield the other of s^d^ Harrises partners, but he not being at home the said Marshall spake with his wife asking where her husband was She Replyed he was in the woods, the s^d^ Marshall desired to know where and he would goe to him, she Replyed he could not find him, on which they departed and went to Thomas Harris Brother to the above William Harris, who said he was an Attorney for his Brother (the s^d^ William Harris) the s^d^ Marshall desired him to shew him his letter of Attorney or to lett him heare it, but he possetively Refussed saying, he would not act nor doe any thing in behalfe of his brother the s^d^ Willia~ Harris without the said Marshall would give him posession of the lands of Meshantatat, and Run the thwart lines and the deviding lines: The said Marshall demanded his fees due by law in the Case of John Towers, and to shew him the Estates to be Executed on for Costs and damages Contained in the Executions, the which he possetively Refussed, & would not, the s^d^ marshall desired to know if that was his answer, he the s^d^ Thomas Harris Replyed Yes; On which the s^d^ Marshall desired the above deponants to bear witness. The said Harris likewise desired them to witness for him, on which the above [deponant Jn^o^ Greene Replyed saying M^r^ Harris since] you desire it lets heare it againe, on which the said Harris Replyed as aforesaid: soe they parted and went with the said Marshall, to Samuell Winsors, and after some time Came John Whipple of Providence (& Assistant or Majestrate) and with him the above s^d^ Thomas Harris, and desired to speake with the s^d^ Marshall which accordingly they did, the s^d^ Harris desired to heare the Marshalls Comission; after some debate the Marshall Complyed therewith and did read it, and likewise desired to heare his letter of Attorney, which after some time was read by John Whipple Majestrate, In which was many Instructions (as he read

it) to the said Attorney Thomas Harris, Relating to the same Efect as the s[d] Thomas Harris had above specefied, And that in the s[d] letter of Attorney (as it was read) William Harris acknowlidged to have Recieved a Noat, Subscribed by John Sanford Recorder (from the Councell) by the Marshall John Smith the second day of December 1679. The said Marshall hearing the letter of Attorney Read, desired a Copy there of and he would pay for it, but it would not be admitted off, though the s[d] Marshall declared he desired their Instructions and advice, and whatever he Judged Needfull to be done, he would Comply and doe it accordingly, and that it was like y[t] that letter of Attorney might be some light to him in the performinge of the s[d] Executions according to the Contents thereof— ffurther the s[d] Thomas Harris did acknowlidge, to be in Company with the Marshall John Smith; at and Neer his Brother Willia~ Harrises dwelling at pawtuxett, where was present the said William and partners on the 4[th] day of this Instant, and that he heard the s[d] Marshall desire them, to acompany him to Ephraim Carpenters, to his Ayd, and acompany him and them to the lands they sued for, and take posession of him:

Taken Upon Oath this 9[th] of Decemb[r]. 1679 Before Samuell Gorton Assistant:

Haveing Impartially stated the affaire of my proceeds (as is before Related)* Doe it accordingly present, as my true and absolute Returne, In discharge of my Engagement, Taken before yo[r]. Hono[rs]. the 24[th] day of Novem-

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*The other side of this story, that from Harris's point of view, was apparently not stated formally at this time. After the death of Harris, however, it became necessary to review earlier proceedings, and his movements during the days when Smith was trying to deliver these lands to him are described in depositions by Thomas Harris, Epenetus Olney and Joseph Williams, taken 1 November, 1683. (See No. 119). See also the depositions of Hopkins and Arnold in 1706 (Nos. 131, 132).

ber 1679. It being presented to the Honord Governour Cranston the 10th day of December 1679: By mee:

John Smith:

And In Refferance unto the giveinge of Execution against Edmund Calverly &c Wee Render Yor Majesty this account, That wee finde in the Returne of the Comissioners that held the Court, that they Judged that action and the verdict against Edmund Calverly &c, was fully Included in the Action and Verdict brought in to them against Harrod, Burlingham, and Relfe, (it being the same lands) and therefore they wholy suspended Judgment in that Case:

And Most Dread Soverreigne haveing in all Loyall Obedience unto Yor Sacred Majesties Royall and princely Comands in yor Royall Letter from yor Court at Winsor the 9th day of July 1679; Wee doe in all bounden Duty prostrate our selves, and this Our Returne on that affaire, at yor Majesties Royall feet, Humbly beginge yor Majesties Most Royall and Gracious pardon for what of weaknes may appeare in us herein, with Our hearty prayers to Almighty, God for yor long peaceable and hapy Reigne. Wee subscribe Our selves Your Majesties Most ffaithfull Subjects, and most Humble and Oblidged Servants of yor Collony of Rhode Island Providence Plantations:

Dated the first of January $167\frac{9}{80}$

John Cranston Governor.

The afore written Contained in page 1: to page 8 are True Copys Extracted Out of the Records for the Governor. and Councell of his Majties Collony of Rhode Island and Providence Plantations: Attests:

John Sanford Recorder

[Cushman Papers.]

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Deposition of Arnold, 25 October, 1679.

Endorsed:—Mr. Steeven Arnold & Stantons testimonies

Mr Stephen Arnold* aged .56. years or there about beinge deposed testifieth. that he have inhabited at the plac Caled Pawtuxet near fourety years or moar and have known the denomination of the places & lands lyeng near one boath sides of the River which runeth down to pawtuxet fawls: that is thus as fare as Sockcanacow Sachem of patuxet his land or lordship did extend. which on the north side of the River was from the Salte water on the East to pachaset river on the west. was Called by the Indans pawtuxet lands and the Indans were Called pawtuxet Indans which dwelt there. & furder west of packaset River being in other pettey Shachims propriaty there is a place on the River that runeth doun to pawtuxet fawls which is Called Toskeunkeca neck and the Indans dweling there were Called Toskeunkeneages. & the meadows that lye on both sides of the said River there ar. & were Called Toskeunke meadows which said meadows ar thos meadows which Warwick doe Claim and posses

The: 25th: Day: of Octobr: 1679: personally Apeared before me: the Above premisd Stephen Arnold & owned the premises: to be the Truth upon his sollemn oath:

Attest Jon. Cranston Govr
of his Majesties Collony
of Rhod Island & providence
plantations &c

[Harris Papers, p. 94.]

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*Stephen Arnold (1622–1699) was the son of William Arnold, and owned a large tract of land near the mouth of the Pawtuxet river.

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Deposition of Sanford and Coggeshall, 25 October, 1679.

Endorsed:—Major Sanford & Mr Coggeshalls testimonys

Major Peleg Sanford Aged forty years or there Abouts beinge Reqūred & Deposed Testifieth that hee beinge present at the Last meetinge of the Comissioners at providence in the year 1678: those Who Judgd Themselves A Court in William Harris his Matters the said Comissioners havinge sent forth the Nine Gentlemen of the former Jury for Explanation of A former vardict: the said Comissioners Refused The first Explanation & sent the Jury forth Againe
Taken upon Oath the 25th: Day of Octobr. 1679

Pr: Jon: Cranston Govr
of his Majesties Collony of
Rhod Island & providence
Plaintations &c.

John Coggeshall Senior Aged: 57 years or ther Abouts Doth Testifie that the Above premisd Testimony of Major Peleg Sanfords is the Truth & Nothinge but Truth In Evary perteculer Upon his solemn oath the: 25th: Day of Octor: 1679:

Sworne Before Jon: Cranston: Govr
as Above premisd

[Cushman Papers.]

94

Harris to Plymouth Magistrates, 28 October, 1679.

To The Kings Majestyes Governor & Majestrates of his Collony of New plimoth, Siting The last tuesday in octō 1679 And 31 year of his Majestyes Reigne.

Worshipfull wher as y^e^ Kings Majesty was pleased At our complaynt (proprietors of patuxet) of long great wrongs done to us by some persons of his Majestyes Colonyes of Massachusets, & by some persons of New plimoth, & some of Rhod Island &c his Majesty was pleased at our petition to grant us fayre tryall at law by his favourable Order to his Majestyes foure Collonyes of New England (to say) y^e^ fore sd & Conecticot Collony by his order bearing date at Hampton Court y^e^ 4^th^ of August 1675 by which sd tryalls we optayned Against whome we complayned verdicts & Judgments And Among y^e^ rest Against some of y^e^ greatest trespasers & detayners of our land the towne of warwick & y^e^ purchasors of y^e^ s^d^ towne wher upon two persons of y^e^ s^d^ towne & purchasors &c (to Say) Randall Holdon & John Green for themselves (& s^d^) (for others adjacent) petitioned to y^e^ Kings Majesty An Authentique Coppy to y^r^ worships I have to present of theyr owne words wher in is exspresed y^e^ ground of theyr petition they render to y^e^ Kings Majesty of theyr then s^d^ suggested wrong don (as they say) to theyr towne of warwick

wher upon The kings Majesty Granted John Green & Randall Holden An order That all things (as to warwick) should remayne as before y^e^ meeting of y^e^ Commitioners untill we of patuxet should before his Majesty &c make out our title

And soone after our Adversaryes departure with y^e^ s^d^ order we came to England And made our apearance shewing our title to y^e^ s^d^ land wher upon The Kings Majesty was pleased to refer The Examination of y^e^ s^d^ matter to his Governor & Majestrates of New plimoth Therfore we in obedyence ther to aply in y^e^ s^d^ case to y^r^ worships And present these & as followeth in theyr owne words to his Majesty to frustrate good law To which we Answer to vindecate y^e^ law And our Just title And Shew theyr Illegallety, not takeing notice of much of theyr fallce suggestions not being willing to trouble you with y^e^ least but y^t^ y^t^ seems of moste weight by which they endevor to invalle y^e^ s^d^ verdict & Judgment

some of theyr words in theyr s^d^ petition ar these (viz^t^) And

allthough noe complaynt was brought against y^e^ towne of warwick or any of the Inhabytants therof in y^t^ petition of y^e^ s^d^ Harris to his Majesty for any lands they had taken from y^e^ s^d^ Harris and partnors &c soe sayth y^e^ Complayants for warwick

we complaynees for patuxet Answer & say, That y^e^ playne & exspres words In his Majestyes order repeat y^e^ words of our complaynt to his Majesty And what more Certayne proofe can be had then y^e^ s^d^ of what Complaynt we made to y^e^ King, And his Majesty signed y^e^ same foure times to each of his Collonys once, namly these words, They entered on a great parte of y^e^ petitionors lands by force And y^e^ s^d^

They were persons though fled from Conecticot yet at y^e^ time of theyr enterance by force were then of warwick, with many more with them of warwick then entered

And not only some of y^e^ Inhabytants we then to his Majesty Complayned against, And y^e^ s^d^ signed as afore sd by his majesty but allsoe against y^e^ towne of warwick, rcited in y^e^ s^d^ order in these words (to say) That beside all y^e^ sd molestations he had bin frequently disquieted some times by y^e^ Towne of warwick &c therfore y^e^ s^d^ suggestions y^e^ s^d^ complaynants of warwick made against us complaynees of patuxet absolute fallce by y^e^ fore s^d^ Authentique proofe And theyr demeret is as y^e^ law hath provided 38 Ed 3, 9. these words ther in Item as to y^e^ Article made at y^e^ last parliament of those y^t^ make grievous complaynts to y^e^ king himself it is asented y^t^ if he y^t^ maketh y^e^ complaynt cannot prove his intent against y^e^ defendant by y^e^ prosses limited in y^e^ same article he shall be commanded to prisson ther to abide till he hath made gree to y^e^ party of his damages & of his slander he hath suffered by such ocation & after shall make fine & ransome to y^e^ king &c

And y^e^ s^d^ suggestions not only fallce but otherwise allsoe unlawfull & forbiden by y^e^ law 4 H 4, 23 In these words (to say) Item wher as well in plea reall as plea personall after Judgment given in y^e^ courts of our lord y^e^ king y^e^ partyes be made to come upon grievous payne some times before y^e^ king himself some times before y^e^ kings councill & sometimes to y^e^ par-

liament to answer ther of anew to y^e^ great impoverishing of y^e^ partyes afore sd & in subvertion of y^e^ common law of y^e^ land It is ordayned & established that after Judgment given in y^e^ courts of our lord y^e^ king y^e^ partyes & theyr heirs shall be ther of in peace untill y^e^ Judgment be undone by ataynt or errour if there be errour as hath bin used by y^e^ lawes in y^e^ times of y^e^ kings progenitors
Therfore by y^e^ fore s^d^ law notoryous Irreguler & Illegall the fore s^d^ Complaynants & theyr complaynts by y^e^ ey of the law is seen

further y^e^ s^d^ Complaynants say not soe much as any commition or authourity given by his majesty for examining any title of lands but y^t^ of patuxet yet never y^e^ les y^e^ sd commitionors did admit y^e^ sd Harris & one field whome of all his partnors he could get to joyne with him to commence a suit with y^e^ towne of warwick for y^e^ very lands of y^e^ sd towne

Complaynnees for patuxet answer, only to y^t^ they Say of us & against us And not y^t^ they say of y^e^ Court
To be noted They say That y^e^ King granted tryall as to patuxet, which was in deed y^e^ only Issue we Joyned as to And what was patuxet which was oures As our complaynt, declaration, & plea against the towne of warwick & y^e^ purchasors of y^e^ sd towne in y^e^ Custody now of y^e^ then presedent of y^e^ sd Court by y^e^ kings spetiall command will moste manyfestly Clear & y^e^ verdict ther upon & Judgment only concludeing as to patuxet And to make it apear I will write such words in our complaynt & demanded as concerns y^t^ matter by which they were Summoned & to which they were to answer
The words in y^e^ sd Complaynt & summons ar these (viz^t^) to Thomas fry Generall Searjante &c, y^u^ ar &c required upon sight here of to Summon y^e^ towne of warwick & y^e^ purchasors of y^e^ s^d^ land called warwick, & Captayne John Green Senior, & M^r^ Samuell Gorton Junior both of y^e^ towne Councill of y^e^ s^d^ warwick in y^e^ fore sd Collony tenants by force to answer y^e^ complaynt of Thomas ffield & William Harris both of patuxet

& providence in y^e^ Collony afore sd at y^e^ Court of Commitionors to be holdne in his majestyes name & by his Command on y^e^ seventeenth day of november next at y^e^ town of providence in y^e^ fore sd Collony wherfore they y^e^ s^d^ Captayn John Green & M^r^ Samuell Gorton & y^e^ rest afore sd under pretence of a grant ther of from meantenomy one of y^e^ Narraganset Sachems of later date have entered upon the Lands of Patuxet at & Aboute Toskaunkanet & ther about & at or neer a place Called by the Indeans natick or Nachick on y^e^ northward syde of y^e^ longest Streame & maynest branch of patuxet River to y^e^ Southward of A line y^t^ is to devide betweene y^e^ lands of providence & y^e^ lands of patuxet & to y^e^ Eastward or below a place or pond Called penhungganset bounds of patuxet wherin are y^e^ proprietyes of y^e^ complaynants & demandants which they hold by vertue of a grant Conounicus & meantenomy Cheifest Narraganset Sachems both y^e^ eldest & y^e^ s^d^ grante of y^e^ moste antients date

by which it apears we only sued for patuxet
but If by y^e^ s^d^ persons of warwick theyr saying y^e^ sd lands are y^e^ Very Lands of warwick or of y^e^ town of warwick be suffitient to undoe a Judgment upon A verdict, by y^e^ s^d^ verdict, Judgment, & proof of our true title, & theyr fallce suggestions with such notoryous impudence & slanders as if we had sued for warwick as very warwick, we might rather say they are very debauched persons, very knaves I will not say but may any man think y^t^ they think as they say,
but if y^e^ fore sd be not enoughe to prove we only sued for patuxet as patuxet then I pray our declaration & plea may be read allsoe
And wher as his majesty hath required y^t^ our pretentions to lands possesed by them (to Say) of warwick be by y^r^ selves examined we are redy to answer any to any thing demanded or matter they have to object against our fore sd demand or any parte therof And If we should only say they never had posestiō lawfully concidering y^e^ verdict & Judgment for our true title our only say soe may seeme to have more certaynty in y^e^ ey of y^e^ law then theyr only say otherwise though it were before y^e^ King concidering y^e^ fore sd Statutes

yet never y^e^ les before we hear any more of them or any as to theyr posestion we at present say we have by y^e^ good Country had a tryall with them & they & we commited our titles to them y^e^ Country what ever y^e^ s^d^ titles stood upon posestion, purchas, or what els & as then still doe say & agayne are redy by y^e^ good Country at y^e^ s^d^ Court wher we apear by his majestyes command to Joyne Issue with our s^d^ Adversaryes in our sd demand And If y^e^ Jury finde for them we will noe more sue to y^e^ King nor any other nor make any more clayme to y^e^ sd land And soe end y^e^ controvercy for ever, which they If in our capasety wold not soe offer to nor doe with us but we well knowing y^t^ they know more of theyr bad title & possestion then to come to or take y^t^ offer well knowing they can never get any thing by fayre tryall but more disgrace of which they see enoughe all redy though they have not soe much grace as to confes it

And we now supposeing ourselves upon examination as to y^e^ truth of our title offer our proof therof by our Grants in y^e^ Custody of y^e^ late presedent of y^e^ sd Court by y^e^ kings command our sd grant of y^e^ most antients date by aboute five years And of Conounicus y^e^ eldest & greatest Conqueror of y^e^ Indeans y^t^ ever y^e^ English in New England knew. Our grant allsoe of Meantenomy of y^e^ same date, And all y^t^ our adversaryes have Is but of meantenomy A younger brothers son to y^e^ sd eldest Conquering Conounicus as his Acts, Grants, & liveing witnes yet to & doe prove, And to disprove our Adversarys lyes in print they have forged to deseve y^e^ simple to uphold theyr pretended title to our lands they haveing only one witnes of English & he only sayth John Green English And yet theyr then only interpretor And what truth his witnes in his owne case may have in it concidering his late fallce suggestions made by him to y^e^ King which doubtles must be willfull Ly for y^e^ sd John Green English as he ownes And John of Warwick some times under his owne hand how he should be taken he was John Green English in his youth And since John of warwick as litle minded truth for he owned a part of patuxet with us by our grants & sold it to william Carpenter of patuxet

as his y^e^ sd Johns right of patuxet of all y^e^ upland on y^e^ northward syde of patuxet River & tooke a conciderable sum for it And when he had done Claymes y^e^ same agayne as one of warwick And y^e^ sd land as of warwick he endevored to defend by suit as of warwick And Shamelesly stood y^e^ tryall & y^e^ Jury found against him yet after all puts on more Impudence And Afirmes to y^e^ Kings councill it is y^e^ very lands of y^e^ towne of warwick yet y^t^ which he had owned & his father before him of patuxet And soe sold it as his grant shews, we produce, And had he not sd John Green English he might have bin taken for his actions for John Green Indean had he not bin (by knowing more) wors, And as to theyr only grantor & then theyr best, is but our granttors younger brothers son, & theyr grant five years after oures & oures of him five years before theyrs

Therfore patuxet River our bound southward five years before theyr line they would strech west for westward which is any poynt of y^e^ Compas y^t^ speakes but bewest or by west (to say) south & bewest is westward, & north & bewest is westward, or any poynt between y^e^ same soe uncertayne is theyr bounds yet upon due west they would come over our bounde patuxet River granted five years before theyrs theyrs but by a younger brothers son & oures by y^e^ Eldest brother to y^e^ father of y^e^ s^d^ meantenomy And y^t^ our greatest grantor & theyr greatest grantor (to say) of Indeans Sachems or princes stands soe related precedent one to y^e^ other we shall produce witnes And theyr asignement to prove moreover our s^d^ grants are confirmed by y^e^ succesors of both y^e^ s^d^ Sachems but not our adversaryes grants And wher as^r^ they say they have had a posestion this forty years I doubt they Equivocate to stop y^e^ mouth of theyr contiences or els speak playne Ly which is much alike at warwick they have not bin forty years but they were at patuxet a year or two before y^e^ Certayne time I know not but ther they were first by vertue of our patuxet title, for John Green his father gave Samuell Gorton deceaced half his right in patuxet, And allsoe one Robert Cole & one ffrancis Weston, & one Richard Waterman (all deceased) (our partnors

in patuxet) did give some of theyr partes to y^e^ sd Samuell Gorton & others of his company, & soe in deed they had posestion of patuxet as patuxet but not of y^e^ sd as of warwick, forty years since And all y^e^ fore sd rights of y^e^ fore sd men our partnors deceased are now by purchas by some of us of patuxet & inherytance by other only in y^e^ hold & hands of us of patuxet And two parts more of thirteene y^t^ were y^e^ rights of two of warwickmen (to say) Ezeciel Holyman & Stuekley westcoth which some of us purchased of them & theyr heirs yet warwick men would have y^e^ sd lands Agayne And since all which The Kings Majesty under his great seal hath granted to us of patuxet our sd lands of patuxet as we have & are redy still to shew, And the Collony have made by theyr moste sollemn act y^e^ sd patuxet River A bound for Jurisdiction between providence & warwick & y^e^ sd act acted allsoe (with y^e^ rest) by warwickmen, which cannot be Immagined they would have done If then they had thought of any west line to run over patuxet River, but rather have had y^e^ line of theyr propertyes (If y^e^ west line had bin it) to have bin y^e^ line of theyr Jurisdictiō And not consented That providence should have towne ship on theyr land (If theyrs it had bin)

And wher as they cannot under y^e^ words of y^e^ grant know y^e^ bound patuxet River they would fayne a patuxet River contrary to y^t^ we demand some times saying patuxet River is only untill some other brooke or River runs ther into

To y^t^ we say & have produced the towne of warwicks own acts & words by which they them selves call it patuxet on y^e^ sd River as high as a place called Toskaunkanet below which place runeth into y^e^ sd river many small Riverets, but acording to y^e^ equity of y^e^ lawes of England all afayres in such case are to be ruled & deferences ended

Our demand was of y^e^ land on y^e^ northward syde of patuxet River And Claymeing for y^e^ sd River the greatest stream & maynest bransh of y^e^ sd River as highe as a place or pond called penhungganset soe we demanded of warwick And y^e^ Jury found for us, And y^e^ Court acsepted y^e^ verdict, And y^t^ y^e^ sd greatest (to say) that contineweth greatest longest doth

Carry ye denomination by ye Example of ye River of thames which sd River (to say) ye greatest streame carryeth ye sd name above Oxford & as low as to ye River of Lee which is below graves end nor doth any Riveret yt runs ther-into (which are many, nor City, nor towne Cituated ther on Chang or allter ye name of ye sd River of Thames as apears by ye 3 K James 20 & ye 21 K James 32 & other statutes against all which our adversaryes & theyr grand Adherent Roger williams are not ashamed to dispute

And wher as In theyr complaynt to ye King they make up theyr petition for ye poore towne of warwick (as they say)

To yt this, sd poverty of lands (if be) John Green & Randall Holden have put them into, for they & theyr partnors (which were but twelve purchasors (they say) of twenty miles in length And by ye words of theyr grant, pretending westward, southward & westward & northward & westward is then theyr pretended bounds (by ye words of theyr sd grant) theyr senter being about five or six miles ye bredth but spreding as afore sd twenty miles, makes an Angle wants but two poynts of ye compas to make ye sd Angle one hundered & eightty degrees, (If noe other grant in theyr way before) out of [a]ll which they alow theyr sd poore towne, neer ye sd senter four or five miles in length, And deny ye sd poore towne to have any parte of a large convenyent neck of land Joyning to ye sd foure or five miles soe they prove yt part or words (in theyr complaynt) to ye king to be true (vizt) Poore Tone of warwick, but as to ye scope & substance of all ye rest of theyr sd suggestyan fallce & slanderous

but we being ye purchasors of providence towne & afterward of patuxet allsoe And least our adversaryes (as use) should slaner us (with theyr) (like dealing as to providence, we say, And providence knowes, & under theyr deputyes hands we produced in Court & in ye then presedents Custody is now ye same shewing yt we of patuxet did grant to providence towne three parts of four parts of all ye sd lands (to say) providence ye sd Three Parts And reserved only patuxet one of ye sd foure parts our proprietyes

The reason why I say noe more herein to y^e^ other fallce suggestions, Is, for y^t^ some of them more Immedeatly against y^e^ then Court & Jury who are (If need be) acording to theyr Innocency able to answer for themselves, And in theyr (when absent) to some of y^e^ kings Officers made answerr to all y^e^ perticulers fallcly suggested by word or writing (y^t^ I had heard of) & left theyr bookes in print in y^e^ plantation office to prove my words true, & y^e^ warwickeds slanders (against theyr neighbours) all which I leave & commit to y^e^ wise providence of god, The kings majesty, & y^r^ worships report, I being greatly charged by our sd Adversaryes fallce suggestyons to six thousand miles travell by sea & more then one thousand miles by land (since verdict & Judgment) against our adversaryes, & before delayed by reason of y^e^ self interest of y^e^ sd objectors of Rhod Island of y^e^ alowance of y^e^ Charge of y^e^ Courts twice meeting, & ten pound in mony to pay y^e^ Charge of y^e^ charge of y^e^ Jury besyde y^e^ sd amounting to more then eightty pounde, all great & grievous opretion to our innocent cause, to my only great spoyling : & my famelyes on whome only y^e^ sd charge lyes, to my great & sore burthen to myne & my famelyes Impoverishing, but y^e^ Just god Judg betweene me & my opressors of y^e^ wrong done & y^e^ Justice neglected acording to theyr & my Innocency or nocency, And recompence y^e^ Justice done to them & theyr posteretyes (y^t^ did it) for theyr fathers Justice sake, whome shall ever serve & pray for

your humble servant

William Harris

[Moses Brown Papers, vol. 18, no. 234.]

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Holden and Greene to Plymouth Magistrates, 28 October, 1679.

To the Honored Governor & Majestrates Asembled at Plimouth the 28^th^ of October 1679

Wheras wee Randall Houldon & John Greene the first of October instant were sum̄oned in the Towne of Newport & Collony of Rhoade Iland & Providence Plantationes by Authoritie of the honored Governor of New Plimouth to apeare at Plimouth before the Governor & Majestrates the 28th of October to answer the pretensions of William Harris concerninge the second verdict of Jury &c and y^t^ by vertue of his Majesties spetiall comaund as is sayd havinge referred us thither to bee [ ] heard and not to the Collonyes of the Massachusets & Canitticut because wee had objected ag^st^ them as not beinge meet Judges &c Wee humbly conceave that William Harris hath misinformed his Majesty for o^r^ allegations were as well ag^st^ the Collony of Plimouth as ag^st^ the Collonyes of the Massachusets and Canitticut, as our petition & reply presented to his Majestie & Counsell did declare, as also the answer of M^r^ Stoaton & M^r^ Buckley Agents for the Massachusets Collony delivered to the Lords of the Co̅mitte doth declare in these words Videlicet: That the proceedinges of the Massachusets ag^st^ them were by the expresse consent & advice of the other Collonies who tooke themselves joyntly & equally concernd therin for the security of the whole:

ffurthermore o^r^ Evidences are in England where o^r^ Agent is gone expectinge to have met William Harris & Partners before his Majestie & Councell in Defence of o^r^ Title, and Coppies of some principall evidences cannot heere bee procured: Nevertheless at present wee beinge comaunded hereunto in obedience to his Majesties Comaundes wee answer or declare so farr as wee are able with such evidences as wee can procure:

first That wee purchased & peaceably posest o^r^ Plantation of Warwicke within the limits & boundes wherofe [the] landes of Toskeunke & Nachicke are conteined untill Captaine Cooke* & company came & fought us in behalfe of Pumhom an Indian Petty sachim & endeavored to disposesse us;

That the sayd Harris hath testified that wee were peaceably

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* George Cooke of Cambridge, the leader of the Massachusetts "Commission" which attacked Gorton in September, 1643.

posest of the sayd Plantation when Captain Cooke came & fought us; & which wee have under his owne & severall other mens hands in England to shew but cannot get a coppie heere atested,

That wee shortly after by order from England were peaceably posest for severall yeares untill o^r^ Towne was arested by M^r^ William ffield Mr Willia~ Carpenter Zachariah Rhoades & William Harris in the yeare 1659: upon which Triall wee had two verdicts in favor of us, The last verdict was given in at a Court held at Portsmouth October the 8^th^ 1661 at which time two of the Plantiffes viz William ffield & William Harris onely apeared, but the other two disapeared wherupon they had been Non suited but that for Satisfaction of the Defendant they became bound in a bond of five hundred pound, to stand to verdict and judgment &c as the records doth declare, neither is there any of the Jury of kin to the Defendant as y^e^ sayd Harris hath falsly suggested;*

That the s^d^ Harris remained quiet neither apealing to o^r^ Generall Asembly nor to his Majesties Honorable Comissioners when they were in these parts who held a Court at Warwicke & Justified o^r^ Title vindicatinge us ag^st^ the intrusions of Pumhom aforsayd,

That wee have peaceably posest those landes & medowes of Toskeunke ever since the s^d^ Court held at Portsmouth in 1661 untill the late Court of Comissioners held at Providence wherunto hee caused us to bee sumonsed, Notwithstandinge in his petition to his Majestie there was no complaint ag^st^ us for any thinge done, so that after verdict & judgement at Portsmouth aforesayd wee were peaceably posest of those landes about sixteen yeares:

That the medowes are called Toskeunke meddowes from the name of the river beinge called Toskeunke there, as the meddowes lower downe are called Patuxet meddowes from the name of the river there

That the line was run by the Towne of Providence together

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* See the Calendar for the year 1660–61, with the references there given.

with Patuxet men in the yeare 68 as their Recordes doe declare: That the line hath since also been run by order of the late Court of Comissioners accordinge to verdict of Jury by the Towne of Providence, which line comes not neere the landes claimed & posest by us.

That the nine Jurors that were sent forth for explanation of their verdict, their first explanation was not accepted but they were sent forth againe &c contrary to all lawe,

That it apeares by the testimony of Mr Roger Williams who had given him from the Indians those landes of Patuxet which sayd Harris & Partners claime & who have no other Title but that derived from the sayd Williams who is one of the thirteen Partners that the lands claimed by Harris of the Towne of Warwicke were neither graunted him by the indian sachims nor by him sould unto sayd Harris & Partners besids other materiall witnesses,

That the sayd Originall deed hath no boundes extendinge beyond the line aforesayd, That the Post script hath none of Miantonomus hand to it, That Mr Benedictt Arnold who is mentioned as one of the witnesses therunto hath upon oath denied that to bee his hand therto under written, That the sayd Postscript mentions an illimited bounds which no Poten tate on earth can graunt all which reasons considered make the deed a meere Non Ens:

That the boundaries mentioned in the sayd deed comes not neere or North line of or Purchase of Warwicke some miles within which line these landes pretended to by William Harris are conteined

That his later Purchases or Confirmations Confirmes no more then what Miantonomu had before sould or graunted & therfore Sachim Pesicus did declare the twenty miles therin Incerted was a meer deception

That the sayd Purchases or confirmations if they might bee supposed to bee good yet are of no force to enervate or Precedent Graunt Graunted by Miantonomu & owned by him afterwardes; and on the Contrary disclaimed what Harris pretends to while hee was alive

That five of the Patuxet Partners are part of the purchasers of Warwicke & doubtlesse would not have caused the boundes of their Purchase to have been so set downe in case part of it had been purchased before but they knew the Contrary ;

That the sayd Harris could procure but one of the Partners viz Thomas ffield to joyne with him in the suit agst us who is sukcessor to William ffield aforesayd,

Lastly Wee declare that the Honorable Lords of the Com̄-itte for fforreighn Plantationes havinge heard the Petition of William Harris y^{e} returne of the Comissioners by the late honored Governor John Leveret and o^{r} reply did declare their opinions in these wordes viz

This beinge the state of the whole affayer wherin the complainants Randall Houldon & John Greene are concerned either for themselves or in behalfe of others in relation to the claime of William Harris wee have presumed to lay the same before your Majestie with o^{r} humble opinions, that since by the disagreement & discentions of your Majesties sayd Collonyes in New England the most equitable speedy and probable meanes which your Majestie in your great wisdome could direct for acertaininge and setlinge the rightes & Titles of your subjects there inhabitinge have after so longe time found no suitable efect, And in consideration of the Complainants humble apeale unto your Majestie for justice (which your Majesty will alwayes alow of & incoradg together with the reasons & evidences offered by them in justification of their right & present posesions which doe not apeare to bee any part of the landes of Patuxet which onely by your Majesties Comission were to bee brought to a Triall your Majestie doe therfore signifie your Royall pleasure unto William Harris and all others whom it may concern, that the Inhabitantes of the Towne of Warwicke bee not disturbed in y^{e} quiet and peaceable injoyment of the landes claimed & posessed by them the Inhabitantes of the sayd Towne of Warwicke, And that all thinges relatinge therunto remain in the same state they were in before the meetinge of the sayd Comissioners untill the sayd William Harris or Partners shall in the Lawefull defence of their rights before your Majes-

tie in Councell make out a sufficient Title to the sayd landes all which is most humbly submitted;

	Anglesey	Craven
Councell chamber	Bridgewater	Ailesbury
2d of January 167$\frac{8}{9}$	Essex	ffauconburge

Phillip ffloyd

His Majestie in Councell hath aproved of the sd report in this ensuinge order, viz .

His Majestie in Counsell was gratiously pleased to aprove the sayd report and to order as it is herby ordered, That the Inhabitantes of the Towne of Warwicke bee not disturbed in the quiet & peacable injoyment of the lands claimed & posessed by them, And that all thinges relatinge therunto remain in the same state they were in before the meetinge of the sayd Comissioners untill William Harris & Partners shall before his Majestie in Councell make out a sufficient Title therunto: But as to the lands of Patuxet concerninge which William Harris came over into England to Petition his Majestie & which onely by his Majesties Comission were to bee brought to a triall, And the Comissioners havinge in Pursuance therofe made a favorable report touching the sayd interest It is further Ordered yt William Harris & Partners bee peaceably & quietly posest of the same accordingly

Robert Southwell

That the sayd order of his Majestie still remaines in full force wherby it is evident that ye late Court had not Comission to try us for the sd landes and therfore his Majestie in Councell was gratiously pleased to make Null & voyd all the proceeding[s] of the sayd Comissioners as to us, as well the verdict as other proceedinges and therfore it evidently apearinge that the sayd Harris & ffield have unjustly molested us contrary to ye verdict of Jury at Portsmouth in the yeare 1661 wee intend to Petition the Kinges Majestie for or charges they have put

us to by o^r^ former voyadg to England besides y^e^ forfeiture of their bond which in all amountes to seaven hundred pounds wee humbly desier that this o^r^ answer may bee sent with the report to his Majestie That his Majestie & Councell may bee informed thorowly of proceedinges,

By us Randall Houldon
John Greene.

[Cushman Papers.]

96

WINSLOW TO THE KING, 2 NOVEMBER, 1679.

Endorsed:—Copey of report and opinion returned to his Majesty in the Case of M^r^ Harris and Warwick men.

Addressed:—To the Most Illustriouse prince Charls the Second by the grace of God of England Scotland ffrance and Ireland King &c. at his princely Courte at White Hall or Elswhere humbly p^r^sent.

Dread Soveraigne. New Plymouth Nov^r^ 2^d^ 1679

In obedience to & Pursuance of your Majestys Royall Commands to us y^e^ Governour & Majestrates of yo^r^ Colony of New Plymouth in New England given frō yo^r^ Court at Windsor the ninth Day of July one thousand Six Hundred Seventy & Nine & thirty first year of your Majestyes Reigne (which god grant may be long & happy) for the Calling before us Randall Holden & Jn^o^ Green in the Behalf of themselves & others y^e^ Inhabitants of y^e^ Town of Warwick in New England: Concerned in the Second verdict; of Jury: given Into yo^r^ Majestys Court of Cōmissioners by yo^r^ Majestys Speciall Cōmand: held at Providence y^e^ Seventeenth Day of November one thousand Six Hundred Seventy & Seven: In favour of yo^r^ Petitioner Will^m^ Harris of Patuxet & our Exammination of the Pretentions of sd Harris to the Land by the sd verdict

given him : & our Return to yo^r^ Majesty of the Perticular state thereof ; & our opinions thereupon with all Convenient Speed : May it Please yo^r^ Majesty to Accept of this following Breif Accompt thereof Viz That upon our hearing Due Examination & Impartiall Consideration of the Severall Pleas & Allegations of sd Will^m^ Harris Randall Holden & Jn^o^ Green Presented by them at there Convention Before us on the Twenty Eight Day of October one thousand Six Hundred Seventy & Nine (wee Cannot (as things appear unto us) but Conceive that those Lands Given to the sd Harris Conteind in the sd Second verdict of Jury are ꝑt of the lands of Patuxet & Within yo^r^ Majestys Co̅mission to the sd Court of Co̅missioners : to be brought to tryall as well as what is Conteined in the first & three last verdicts of the sd Jury given in favour to sd Harris for these Reasons Humbly Submitted to yo^r^ Majestys Princely Censure

Besides the Joynt Concurrance of Rode Island Gentlemen Commissioners as the Rest of the Co̅missioners in their Acceptance of that Second verdict of Jury with the other verdicts ; as ꝑ their hands subscribed to the Return of that Affaire to his Majesty from the Respective Governours Concerned therein doth & may appeare :

ffirst : Because those lands Contained in the Second verdict lyes on the Same Side of Patuxet River with the other lands that are given him by the other foure verdicts : Viz on the Northerly side of the River & belong to the Jurisdiction of Providence Plantations as the lands on the Southerly side of the sd River Belong to y^e^ Jurisdiction of the town of Warwick the sd Patuxet River Being the Boundary Between the sd Town of Warwick & Providence

Secondly & allthough according to the Testimony of Jn^o^ Smith Survayor Appointed by the Purchasers of the Town of Warwick to Run the North Line of their Purchase : In Runing the sd line Due west frō the Place where he began ; did Run over the sd Patuxet River : & on the north side thereof untill it meet with the stream of the sd River againe Leaveing Teskeunck Meddows (which are ꝑt of the lands in Contro-

versy) on the Southerly side of the sd line (yett are on the North side of the sd River: which the sd Surveyor in his Testimony Calls Patuxet River, as it is by others Comonly Soe Called & known by that name;

Thirdly wee find that ye sd Warwick Purchasers deed from the Sachem miantonimey; not only to Express the sd North line to Run westward which the sd Surveior Run due west: but that deed bares Date severall yeares after that Deed obteined from the sd Sachem Miantonimey & another Cheif Sachem Called Cannonicus: whereby the sd harris & his Partners Claym his & their Interest into the sd lands; lying on the North side of the sd Patuxet River & as Such Sued for by him: as ye his Summons & Pleas against the sd Holden Green & Warwick men doth & may appear; & not for any lands on the South side of sd River which are within the Precincts of Warwick Town aforesd

Lastly; If it be law according to the Common opinion (ffavores Sunt Ampliandi) that the terms & Expressions In that last Mentioned Deed: may bear the best Construction in favour to ye Grantee soe as these Expressions therein viz (wee doe freely give unto him all that lands from those Rivers Reaching to Patuxet River as allsoe the Grass & Meddow upon ye sd Patuxet River) may be Interpreted to Contein all that land which lyes Between any Part of those Rivers (called in the sd Deed Moshasick & Wanusquetuckett) & the sd Patuxet River: soe as to Contein all the land within a Direct Square streight line Runing from the head of the sd Wanusquetuckett River unto Patuxet River (the sd Wanusquetuckett River being the shortest & next to the sd Patuxet River: lying on the Northerly Side of the sd Patuxet River) then it appears that all the lands In Controversy are according to ye sd verdict of Jury of Right Belonging & Justly given to sd Harris & his ye tners their ye t thereof: their Deed being obteined Severall years Before that Deed by which Warwick Purchassors make their Claym as aforesd; A Coppy of which Deeds together with the sd Smiths Testimony: wherein the maine stress of the Case Seems to lye: wee Doubt not but are by the Partyes

Concerned left with other writin[ ] in yo^{r} Majestys Honorable Comittee office In England Great S^{r}: wee humbly Prostrate our Selves Before you & Leave the finall Determination of the Whole Case to yo^{r} Majestys Royall Wisdom & Justice Craveing leave to be Enrowled amongst y^{e} number of

Yo^{r} Majestyes
Most Loyall Subjects &
Humble Suppliants
Josiah Winslow: Govern^{r}: of yo^{r} Majestys Colony of New Plymouth with y^{e} full & free Concurrence of all y^{e} Majestrates of sd Colony
Vera Copia

[Cushman Papers.]

97

GORTON AND OTHERS TO CRANSTON, 21 NOVEMBER, 1679.

To the honrd John Cranston Esq^{r} Gov^{r} and the rest of the Coun^{ll} of his majestys Colony of Rhoad Island and Provid^{ce} plantations &c

Honrd Gentlemen

Wee humbly conceive that possession ought to be given to m^{r} Harris and Partners of Patuxit lands that is to say wthin the compasse of the line as it hath been run by Providence men by Court order which Seemes to us to be agreeable to his Maj^{tes} Command unto which wee freely Consent but without the Compasse of that line we conceive it to be the Kings Province and doe hereby protest against giveing possession in any part of it till his Majestys pleasure be further Known

Warwick Nov^{r} 21: 1679

Sam^{ll} Gorton Assis^{t}
Thomas Green assis^{t}

Wee Randall Houlden and John Green doe humbly declare that our opinions are that it will be most Safe for y^{e}

hon^rd^ Gov^r^ and Councill to attend to the premisses for as much as we have already made appear before the Lords of the Counc^ll^ by m^r^ Williams his testimony m^r^ Stephen Arnold and Sever^ll^ others that the lands of Patuxet are onely to the Eastward of Pachaset River

By us Randall Houldon
John Green

Vera Coppy Exam
Nath^ll^ Coddington assis^t^

[Cushman Papers.]

98

PROTEST OF CLARK AND WARD, 24 NOVEMBER, 1679.

To the Honoured Gov^r^. and Magistrates of His Ma^tys^ Colony of Rhode Island and Providence Plantations, and &c these Hon^rd^. Gentlemen,

Our Sovereigne Lord Charles the Second King of England &c by his Letters dated at his Court at Windsor July: 9^th^: 1679 in the Thirty first year of his Reigne, having strictly required and Commanded the Gov^r^. and Magistrates of His Colony of Rhode Island &c to cause W^m^ Harris and partners to be quietly and peaceably possest of the Lands by them sued for at Pautuxet Adjudged to them by the first & three last Verdicts of the Jury and Judgment of Court, in an especiall Court held by His Ma^tys^: Command in his Ma^tys^: name at Providence in the Colony of Rhode Island aforesaid the 3^d^ day of October 1677 viz^t^ The Verdict against John Towers of Hingham The Verdict against Gregory Dexter, Arthur Fenner and the Towne of Providence, The verdict against John Harwood, Thomas Relph, Roger Burlingham & others and the Verdict against Edmond Calverly.

These are to give you Information, that whereas you have con-

cluded that His Matys: Royall Commands concerning the premises aforesaid shall be speedily Executed, Wee also do accord with you therein, but with respect to ye Person by you chosen and agreed upon to execute them, it being John Smith of New Port, therein wee cannot consent with you, for he, in our understandings is not a meet man to be employed in this service wee So judge, not only from Report, but also from what wee have heard him speak with relation thereunto, and unless you appoint some indifferent person in his Place to execute the premisses wee cannot joyne with you to signe the executions desiring your favourable construction of this our desenting for the reason aforesaid.

Wee remain Your Loving Friends & Neighbours.

I allow of the reasons aforesaid.

Walter Clark dpt. Gor
Thomas Ward, assistant

New Port on Rhode Island
November 24th: 1679.

A true Copy.
Chris: Musgrave.

[Harris Papers, p. 98.]

99

Harris to his Attorneys, 1 December, 1679.

Instructions as to posestion & execution

Demand posestion acording to ye return to ye King & ye Kings Command (to say) when a midle line is Run between wanasquetucket river & yt branch of patuxet river yt runs out of penhunganset pond at an equall distance as highe as ye head of ye sd wanasquetucket River to say as high as a pond called wallins pond, & from thence upon a square or rect angle to ye sd branch of ye sd patuxet river as to yt posestion recovered by tryall with those of providence And receive noe other posestion as to them

And as to executution on theyr Cattell or Chattells for our Costs & damages take not execution of any y^t^ did not deny us of our sd right line whose names are knowne but take execution only on Gregory Dextor & his partty, & refuse y^e^ cattell of others If they be offered to you

And take posestion as to Harrud & his partty & Calverley & y^e^ rest as neer as you can on theyr perticuler Shares for y^e^ whole wher they had built

And If y^u^ can shew theyr or any of theyr cattell (to say) as to Harrud any of his or Relfs, burtons, or burlinghams cattell

And as to Calverley his Cattell or tods or any other of theyr partnors as sweets or other of them but offer them to abate on those of Harruds party forty Shillings If they will set out cattell (to say) Cowkind & they & we to take each one to prise them & first agree on one to be as umpire when they deffer other wise abate nothing

And soe doe in all things as to Dextor & his partty

but as to costs & damages as to John Towers I wholly excuse them from execution on him as to costs & damages for y^t^ I have other wayes excepted as to him

Witnes my hand William Harris

1 d̄es̄em̄ 1679

[Harris Papers, p. 99.]

100

Harris to Brinley, 4 April, 1680.

Endorsed by Andrew Harris :—A Coppie of a letter to M^r^ ffrancis Brinley * of Rhode Islan from my father from ArJere dated aprill the 4^th^ 1680 It Came to my hand the 29^th^ day of October 1680 at Boston

* Brinley (1632–1719) was a large landholder at Conanicut and Narragansett.

Mr Brinley

And faithfull friend, of all I have yet found in New England hopeing you and yours well I pray you to stir up both parties to send bills of the said sum and give the best advice you Can and that it Come in time, and as much sooner as they Can, for till then I Cannot goe, to send by the first ship and bills allsoe by the second least the first should be tooke If the sum faile or the time it is most like to be my death for then I fall into the Cruell mans hands that hath bin like to kill mee allready, therefore If you perceive them uncertayne, I pray you if Can to doe it, And I will asure you in all the lands and other things I have, Commending all thing to god, I left two papers with Mr Wharton for you,

your humble servant

William Harris

pray tell Mr Smith Daniell Updike* is well, he may doe well to Redeeme him, and pray send the lines below to my Wife,

The Consaull saith, that to Cleare mee it will Cost eleven hundred ninty and one peeces of eight and 5: Royall to say dollers.

The sum if Cleared to sett mee safe one the Christian shore the Consull sayth is eleven hundred ninty and one peeces of eight (to say) dollers, and 5: Royalls, and fifty dollers to London it is 800: miles and all goe in Companyes with a gide, and such danger at one place forced to have and pay a Troop.

Deare Wife and Children let us Cast our Care on god without distracting feare, thouh I should here dy yet god lives, and I am not without hope but that I may see you againe, let us pray fervently and Continually to god that is able to deliver and soe I Commend you all to god all way,

Youres &c

the 4th: of Aprill 1680. William Harris

* A son of Gilbert Updike of Kingston, R. I. He was a mariner, and died in 1704, having finally been ransomed from his captivity by his uncle, Richard Smith.

Tell Mr Richeson * I hope he will take Care of the mater, as to the sum and the time, & minding the first and secon Alsoe (to say) ships, if I live to get home I will doe as much for him

A True Coppie, if noe mistake in Compareing it, Ass Attest John Whipple junr Clerke of the Towne of providence,

[Cushman Papers.]

101

Harris to his Family, 6 April, 1680.

Endorsed by Andrew Harris:—A Coppy of my ffathers Letter to my Mother from ArJeere dated the 6 of Aprill 1680 The sd Letter Came to my Mothers hand the 13 day of October 1680

Deare wife and Children

I have wrot to you very breefly twice and som thing allso a third (in other letters) blame not the maner if I live to see you I shall easely passefy you as to the maner,

I was (with others) taken the 24th of January; sold in the markett the 23: or 24: of February, And shutt up untill the last day of the last March; none prmited to Come to mee nor I to any, (but all) (and more then now I tell you) to make mee promise what they would have, and I had not to pay them, and beate on John Chapman of boston untill they made him promise them twelve hundred dollers, and the man I think hath it not, with others, that I have not roome to write of, and if a patterroone please he may kill his slave and onely payes the kings house their sum they are to have,

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* Amos Richardson, merchant, proprietor in Narragansett lands, deputy to Connecticut Assembly from Stonington, where he died, 1683. It was chiefly through him that Harris had been appointed agent of Connecticut. (See No. 128).

Upon all which Considerations (and more then I tell you) and your Unsettleedness; and the matters I am Ingaged in, and what my enemies would say If I should dy, and Judge me and my Just Cause as evill, If I aboute it should bee killed with beating as some are, to make them Cutt (as they speake) that is to make them promise what they aske, though they have it not to pay, are forced as I was, to promise 800: dollers (that is) soe many times 5^{s}: which is 200^{li}: and besids that (before I am Cleared) I must pay or some for me to the kings house and other payments to make the said 800: dollers 1191: dollers and 5: Royalls, and if it be paid yet then shall lack fifty at the least to Travell through Spaine France, and Portugall to London, Soe that in all will Cost before I gett to be free here 300: li: Starling allmost; beside 50: dollers to get to London which is to Travell a long Jorny, and I have at present thereby some peace untill the last day of the next March, which time fullfills the yeare I Could not have any longer time, and If the sd sume to my paterroone be not payd by that time I fall into his Cruell hands againe And then ordinaryly Cannot exspect to live under it, Therefore shew this to M^{r} Brinley and to M^{r} Richeson whome I pray to mind my danger and that they both stir up the Gentlemen that Imployed mee that they doe not leave mee in ArJeere, and Rather then soe they should doe, when I Come hoome I will Recon with them and pay them their demand, without puting them to suite or desiring Arbtration, and asure the payment in my Lands and all els that I have, but if M^{r} Brindley perceive that they will not doe it within that time, then I pray him in that straight not to fayle to doe it, and I will asure him in all my land and all that I have for his payment, And I pray them both to mind it, by the first ship for speede, and by a second for safety; least the first should miscary, If it please god that I get off noe man I hope shall bee more diligent and Carefull in their matter then I, and it may please god that my sufferings and your Charge and myne may Cause the more Candor in the Case, I speake there in to M^{r} Brindley and M^{r} Richeson, my prayers to god is that I may in their Cases suckceede, I doe not love to have any matters dy

in my hands, and I doe profess faithfully and god knows I ly not that If I had of my owne a thousand pound starling, I would Expend it all for them before they should sufer a defeate, and I asure them that I have suffered so much here allredy, that if I should be offered all that is in this worlde I would not undergoe againe the s[d] Conflicts and dangers, and I pray god to strengthen me that I may hould out, I was allmost sinking on museing with those things and my dead Susan and Toleration,* but it pleased god to turne my muse another way and Recover me, And for the present I thank god I am very well in health and yet generally live on bread and water and Could eate more bread if I had it, yet I am in as good liking as I was when taken, I doe not know that I ever had more Constant health for the time then I have had evesince I Came from home soe long togeather, but since I Came I saw Daniel Updike and he saith he had a plague sore, and that the s[d] sikness is here every sumer and begins in may, and that the last sumer here dyed nine of tenn of the English Captives but some say not soe many, speake to M[r] Smith to Redeeme him and tell Lawdowick his Brother, M[r] Smith, M[r] Brindley and others, soe with my harty tender Constan Care and Love for you and towarde you all, I Co[mme]nd Commit and Resigne you all up to gods fatherly derection and protection youres hopeing yet to see you

William Harris

Remember my love to all, my Brother and Sister † and all my kindered & friends, and my papers being lost if I live to Come to London shall lack tell John Whipple all the Affidavids, and protests against the onely pretended Executions I pray they may be sent to the signe of the peele in wentworth

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* See note to No. 46, p. 162. The date of death of his daughter Susannah, who married Ephraim Carpenter, is not known.

† Probably Anne Harris, who is mentioned in Harris's inventory as having been entitled to a share in the estate of their deceased sister Parnill, widow of Thomas Roberts (*Prov. Rec.*, vi: 85; and No. 45, p. 161).

street neere spittle fields in London to John Stokes* living ther, to remaine there for me

And that Mr Brinley and Mr Richeson endevour a recrut of all other papers for all lost, I have wrot to the Governor of Conecticutt and mentioned some profes to mayne poynts, I pray them to minde the most needefull all that Can, I have left for Mr Brindley two papers at Mr Richard Whartons Commed you and them all to god farewell

yours and theirs

William Harris

ArJeere 6 Aprill 1680

A True Coppie, if noe mistake in Compareing with the originall, As Attest John Whipple junr: Clerke of the Towne of providence,

[Cushman Papers.]

102

HARRIS TO CONNECTICUT MAGISTRATES, 17 APRIL, 1680.

Endorsed:—This on the other side specefied: is a True Coppie, if noe misstake in Compareing it, As Attest John Whipple junr Clerke of the Towne of providence,

Addressed by A. Harris:—To The Worshipfull The Governor of Conecticott in New England And to Mr Wharton† of Boston who may open it for that speed is the greatest neede

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* John Stokes, a baker, was Harris's landlord. It was in his house that Harris died upon return from captivity.

† Richard Wharton, who owned extensive holdings in land in Maine and in the Narragansett country. In later years he was a member of Andros's Council, and died in London in 1689 (*6 Mass. Hist. Soc. Coll.*, iii: 466).

Worshipfull Governor, and MaJestrates,

I have wrot to y^{u} thrice, my too first I doubt may miscary; and my third hath mised an opertunitie in the English Consalls hands, but by that way the french Consalls Clarke sent, I wrot to M^{r} Whiteing and Captaine Mead,* If my former letters goe right, you will more fully understand, how it hath bin with me, then now I have time to write, my last save this, I thinke at least will Come to your hands, which is more perticuler then I have time now to write, as to what papers I Could then Remember to be sent, the former all lost, and againe your best derections, and probations of matters, M^{r} Brinley will be helpful in some thing in the Rhode Island Records; And I pray faile mee not as to the sum of my Ransom which will Come to the English Consall saith 1191: dolers and 5: Royals to sett on the Christian shore, but the french Consall saith about eleven hundred dolers hard (as they speak) will doe it, but the English Consall must not by any meanes know it, I have wrot to M^{r} Whiteing as to that; I Could gett time but for one yeare from the last of last march, If you faile mee of the said sum and s^{d} time it is most like to be the loss of my life, he is soe Cruell and Covetous. I live on bread and water, but have been offered Credet as to beter accomodation, but have not nor intend to use any more then I have, and I thanke god I am now well, and it is best to be low here, body and minde, to be a slave to vitious vassals, and not soe insedent to the pestelence that useth here to begin in may every yeare they here tell me. I hope M^{r} Wharton and the Rest will Joyne for some parte of my Ransome and I will Count with yourselves and them, as you shall please when I Come, without any urging or offering law or Arbytration for agreement or payment there about, And moreover asure you all in all my lands and all els to pay your demands, only fayle me not of full payment & in due time; this is as well to M^{r} Wharton and that partie as your selves, but I have not time

* Probably Joseph Whiting, Treasurer of the Connecticut Colony, and John Mead, deputy from Greenwich.

now to write otherwise nor to my Wife and Children nor freinds but Commend all to god hopeing yet succes at the last and againe to see you all

youres

ArJeer 17 Aprill 1680 William Harris

[Cushman Papers.]

103

Harris to His Family, 10 May, 1680.

Endorsed by Andrew Harris:—ffor his very Loving Wife Susana Harris at Pautuxet in New England
from ArJeere
A Coppie of a letter from my father William Harris of Pautuxcet from ArJeere
It Came to hand the 6st day of January 1680*

Deare Wife and Children

Harty Love, and prayers to god, and for you, and all the rest of my kindred Brother Sister &c. I hope god hath preserved you all well, as his mercifull providence hath mee, And I yet hope to see you, And believe that god hath done this to shew his mercie and power to sucksess and deliverance Rather then for defeate and distress, my thinks I see how divine providence is workeing the Accomplishment, the English have Taken five of the Turkes men of war, and thereby have taken many Christians that the Turkes had with them and soe they are set free, and taken many Turkes, and they will serve to Redeeme English men, And the Turkes are much afrayd, and noe doubt will make peace when the English fleete Comes on easy tearmes, and we hoope the

* 6 January, 1680–81.

fleete will shortly be here, I presume it upon severall reasons, the Complaints of persons here to their friends in England, there upon a Redemption like to be, as women in England write to their husbands here, but those events to be Commited to god and our present Condition without distracting Care, but Rather Casting our Care on god as I pray you may for as wee Cannot Change a haire white or black, nither Can our Care supply what wee lack, and god that Can, Careth for us, let love Continew & incorage each other to hope and waight with patience, I thanke god I am very well, and though the pestelence use to be her every sumer yet to this 10th of May here is none sick of that yet, nor is any one dead yt Came in the ship that we were taken in, but one Mr Mason of new England a Doctor of a ship, son I think to Majjor Mason is dead sinc we Came.* trouble not your thoughts for me I am in Comfotable hope of gods good providence and I believe god will yet deliver me from and out of the hands of my enemies Turkes and others eare long.

Remember me to Mr Richeson and pray him to stir all up that he Can of all our friends, and get all the papers with speede, that I may not stay at London for want of them for all that I had are lost, alsoe pray Mr Brinley to get mee the Coppies of the protests against the proceedings as to execution and to John Whipple for the Affydavids I had but are lost, as to the executions, or rather noe execution And with all speede, for if I fayle of time my Tyrant may use mee as he pleaseth, and is a most Cruell soule, and then may he ad to my Ransome as he pleases, therefore speake to them noe fayler be in time, and to doe as I have prayed of all the Gentlemen, send your letters to me to be left at John Stokes, and hope in God and

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*This was Dr. Daniel Mason (1649–1680), son of Hugh Mason of Watertown. The fact that Major John Mason, of Pequot War fame, also had a son Daniel accounts for the confusion. Dr. Daniel graduated from Harvard in 1666 and sailed in 1678 or 1679 with a Captain James Ellson of Charlestown, Mass., whose letter to his wife from Algiers, 30 June, 1679, asking her to ransom two of his companions, tells of their capture. (See Sibley, *Harvard Graduates*, ii: 213–14).

pray for mee is that I most desire of you, And I allwayes for you Commending you all to God farewell

Wife your faithfull Husband,
Children your loving ffather
And faithfull friend to all my Relations
and friends to death

ArJere the 10th: May 1680 William Harris

These on this papor Written is A True Coppie, if noe noe mistake in Compareing it Ass Attest John Whipple Junr, Clerke of the Towne of providence

[Cushman Papers.]

104

Harris to his Family, 1680.

Endorsed by Andrew Harris:—ffor his very Loving Wife Susana Harris at patuxet in New England

A Coppie of a letter from William Harris of patuxet Writen by him in ArJeere it hath no date: it Came to hand with 2 other letters dated from ArJeere ye 10th of may 1680 and the other the 22th: of August 1680

Deare and Loving Wife & Children

my prayers to God allways for you That you may not be over bourne with the sorrowes of this life nor over Come with Care how to Come out of it, we are apt to ease our minds in resting on faithfull friends that are able to helpe us, And I have found God allmightie able and still hath at last allwayes delivered mee, And however Cast me in to troublesom straights, yet thereby hath given mee great, often & Sertaine exsperience of his mercyfull preservation which makes mee still stay on him in hopes of diliverance by him some way or other, And I asure you my

greatest feare sorrow & Care is for you, for my owne parte I looke upon this world as a place of suffering & sorrow to fitt us for a nother place of longer continuance and my time is neere exspired, and for the rest of my short time I am not over Cearefull for my selfe, let it bee as it pleaseth God, I am Content to dy here if god soe please I am not afraid of death, nor doe I soe distrust god but that I Can Resine you all up to him knowing his mercie; And all though I am I thank god, in very good health yet I know not how soone I may dy; & if here I doe dy I would not have any of you troubled for mee to whome sorrow is in y^e^ sd Case most insedent, only I allways pray god you may allway live Justly (as I hope you will) and love one another and shew mercy as you Can to each other & to all other that you Can. And for my unsettled affayers I Commit them to God whose word of providence upholdeth all things, mee and you, myne & your lives and all. And wee are all his offspring, and hee father of y^e^ fatherless of whome we have and shall find mercy. I have wrot of afayres to my friends Concerned, and I would not have you trouble yo^r^selves thereabout. in any straight I Refer you to M^r^ Hinkley and M^r^ Brinley.

never theless I may if it please God be with you before you are a ware of it. Remember my Love to my brother and Sister and all my friends. And soe I Commend you all to God, farwell

Wife your faithfull husband
Children your carefull Father

William Harris.

be still my soule, leave Wife & Children all:
not in ArJeere, but in Gods armes lett fall.
fly thou to heaven, Rest quiet there a while:
Thy Wife will Come to the, and every Childe.
There thou shalt meet them that are gon before:
ReJoycing there a thousand times much more.
Then ever in this world, thou yet hast done:
And there shalt meet thy blessed happy Son.*

*Toleration Harris.

There all Joy unspeakable and full of glory:
When this life ended now the sadest story.
farwell deare soules If in ArJeere I dy:
Lett noe one weepe shed teare nor for me Cry.
What would you not that wee in heaven should bee:
Where there an end of slavery shall see.
Or that in Heaven wee should not meet in Joyes:
but here & there still parted be with Toyes.
Lord when thou dost us parte quiet then the Rest:
They first that lose this world they find the best.
If Lord to terminate my life hast brought me heither
yet all with thee in heaven shall meet to geather.

These on this paper Written, is a True Coppie, as Attest John Whipple jun^{r}, Clerke of y^{e} Towne of providence, if there be noe mistak in Compareing itt.

[Cushman Papers.]

105

Stokes to Howlong Harris, 3 July, 1680.

Addressed:—These For Howlong Harris Daughter of Wm Harris liveing att Providence in the Colony of Road Iland in New England

London the 3^{d} of the m^{o}: July 1680

Howlong Harris

Since thy ffather left us I have rece^{d} noe letter from him of his Safe arivall w:th you there only be inquiery I understood by the M^{r} of the vesell hee went from hence in y^{t} hee was Safe arived but Since I have rece^{d} a Small note from him and understand thereby y^{t} hee is in Arjeres to his grate Sorrow and truly it is and hath beene a very greate trouble to us, by dilligent inquirey I understand the Shipp w:^{ch} hee was taken

in to bee the Unity of Boston W^{m} Condy * Comander hee was taken the 24th of of y^{e} mo : th January last, I have made Soe farr inquirie concerneing him y^{t} I found a person y^{t} Spoke to thy ffather when hee was in y^{e} market to be Sould, and also tould mee y^{t} thy ffather when asked by him his accation of comeing for England being aged hee tould him it was about Some land y^{t} hee was like to recover, w : ^{ch} gives mee a full assurance of his being there pray informe mee by y^{e} firest oppertunity wheather hee hath Sent to thee by any other hand for I cann not find out by w^{t} : hand my note came but only Sent by the peny post, y^{t} is a post office w : ^{ch} for a peny wee cann have a letter carryed to to any part of the citty.† I hope thou hath heard of it beefore this time or att least will before this comes to thy hand of thy ffathers being there because I love not to bee a messenger of ill newes but when nessessity forces mee thereunto, I must desire thee and thy mother not to take it unkindly because I Signified it noe sooner (for I rece^{d} the note the 10th of the last moth :) the reason thereof was because y^{t} I had a desire to Signifie the best understand concerneing him y^{t} I could have w : ^{ch} is as before mentioned I have made inquiery w^{t} : his ransome might bee but cann not learne, and feareing by to much inquiery I might doe Some harme (if those Jewes here Should not bee faithfull whoe have correspondincie wth : the Arjerenes) causes mee not to bee soe Earnest to know, and also not knoweing but thy ffather may all ready have Signified the Same unto you all ready, by Some othere hand. And if hee hath to desire you to ransom him as Soone as may bee, for if my purse ware [a]ccording to my harte I Should Soone mannifest it to him, but Since it hath

* Condy sailed from New London in the West India trade before removing to Boston, whence he sailed in 1679, on this voyage. He was ransomed, and died in 1685. John Hull, in his diary, records under date of 23 December, 1679, "Master William Condy and his ship, bound from Boston to London, was taken by the Algerines" (*Trans. & Coll. Am. Antiq. Soc.*, iii : 246).

† This statement is important in view of the apparent confusion regarding the date when Robert Murray establised the penny post in London.

pleased god not Soe to bee I must rest contented in this. Desireing the lord to Strengthen him and make him able to undergoe those afflictions wch: may bee Suffered by those mercyless wretches to laye upon him and also to pray to god yt hee would bee pleased yt in the infinettness of his mercyes hee would bee pleased to looke downe upon him in mercye and loveing kindness yt by Some meanes though unknowne and unpossiable to us, (for there is nothing unpossiable wth: him) yt thy Ageed ffather may be restored and returne home unto you all againe is the desire of him who is thy freind (though unknowne)

John Stokes

I have receᵈ Seaverall packetts derected to thy ffather and amongest them there is a pertion to bee Delivered by his owne hand wch: I doe intend to keepe untill I See him or here from you. Blessed bee the lord all our familie are in health and desire all of us to bee remembered unto you all. Desireing to here from you.

[Cushman Papers.]

106

Blathwayt to Wharton, 11 August, 1680.

Whitehall the 11th: of Aug
1680

Sr.

I am now to acknowledge the receipt of yr letter of the 10th: of June last with the Enclosed Duplicate to His Maty: concerning Lands sued for by William Harris who as you will have already understood by former letters from me remains Captive at Argier. Upon the first letters I received from Him and upon his assurance that 200 Dollars would discharge his ransome I thought him a fitt object of Charity and therefore gave him creditt immediately for 300 Dollars that He might have wherewithall to come for England as you will see by the enclosed from the Consull of Marseilles which I send you that you may see what Provision is made for him if it might suffice But The

Poor man being tyred out with the ill usage of His Master has imprudently enough promised a most extravagant ransome, I cannot tell upon what grounds since many Gentlemen of the best quality come off upon better termes but it being so concluded he must be sensible of the Charity of his friends in New England or Suffer in Slavery. I now send you copies of former letters and such as I have lately received & recomend to your care that they may be safely deliver'd where it shall belong.

As for the Narrogansett Country and The Gentlemen concerned in it, I have already upon Mr. Harris's first letter moved The Lords of The Committee of Plantations that nothing may be done to their prejudice till they have further opportunity to transmitt the Evidences of their right which have been lost by the misfortune of Their Agent mr. Harris & you may assure them of a fair tryall before any decision in their Business. Those new demonstrations of their right you mention I will immediately upon the receipt of them putt into the hands of a good Sollicitor in behalf of those Gentlemen and give the best dispatch I can which is all that my Duty will allow me to do.
I hear Mr. Randolph finds difficulties in ye execution of his office but I do not doubt but he will overcome them when a Commission under the Great Seale which is preparing shall come to hand, for He will certainly find support here as long as he shall do his duty, And such as oppose him in it will not find their account.

Sr. I am very glad of your letters and of any opportunity of Serving any person in your parts whose Loyalty may exact it from me as I am particularly placed in a Station wherein my Duty is joined with my inclinations to be usefull to them and to assure you that I am with the greatest truth

Sr.

Your Most faithfull Servant

mr. Wharton William Blathwayt*

*William Blathwayt (1649?-1717) in May, 1680, had been commissioned by the King as Surveyor and Auditor-General of all services arising in America.

Neither Mr. Mead Whiting nor any other Mercht. will concern themselves with Mr. Harris without further ordr:

[Cushman Papers.]

107

Harris to his Family, 22 August, 1680.

Endorsed by Andrew Harris :—ffor his Loveing Wife Susana Harris at patuxet in New England

this was put up with Mr Whartons soe to be againe at musillus

A Coppie of a letter from my ffather William Harris of patuxet & providence dated from ArJeere August ye 22th: 1680 which Came to hand the 6st day of January 1680

Deare wife & Children & Granchildren

my prayers to God is Continewally for you night & day for his blessing upon you That you may well succeede here, and bee happy here after. And as to my present Condition I pray you not to be affrighted at it; for though my destany or Gods appoyntment to mee troubles allwayes; yet his mighty hand hath allwaies holpen mee out againe, soe that ye spetiall favor of God hath a greater Resent upon my Joyfull mind, then the troubles: I still finde, you Can beare mee witness to ye great vexation of Roger Williams and his party and ye Warwickeds, & to my deliverance by Gods mighty hand out of theyrs, and how they insulted, & exalted themselves; & by Gods owne hand Immediatly & manyfestly shamed; though I mention no more yet wee know many more of like sort. but with mee Trust in God and wee shall see his deliveranc: be not over pressed with Cares, god our father Ceareth for us And let us against all our advarsaries oprobry be of stout manly minds in Gods Ayde, though they upbrayd, for I am but fallen into ye Cruell Turks hands; That gods mercifull Armes more mighty may be seene to uphold mee; & will deliver mee. I have wrot and do what I Judg Convenient; and doe not you trouble your selves, but

let all things Rest (as quiet as you Can) till I Come home: I thanke god I am very well; and this sumer here hath bin more then useall health, and we hope for a generall Redemtion; but we are not sure of it. Remember my Love to my brother & sister & the rest of my kindered & to Mr brinley & his Wife & sons, and to Mr Smith & his wife, and Mr Richerdson & tell him had hee Come & the busyness knowne it would most like have Cost for his Redemtion five thousand, nay likely more perhaps ten thousand dolers, for they goe by what mens friends have; and soe torment men till they get it except a peace be made & then they pay but that they were first sold for. My tyrant (Called) paterroone will have eight hundred dollers & to their kings house & other feese, in all will amount to all most twelve hundred dollers (to say) three hundred pound,* but hope a peace and then a generall Redemtion, get, & faile not ye Afidavids to prove the onely pretended doeing of Execution, And pray ye Governor of plimoth to make returne to ye king, & I pray of him a Coppy of the same, and pray Mr brindley to let me know whether he have gotten my due of the Islanders, or not, that accordingly I may try another way; And pray Mr brinley to shew you what I ow him. & noe more being in hast, but Commend all things to god to whome I Resigne you all, and your afayres.

Derect your letters to John Stokes till I Come there

yours

William Harris

ArJeere ye 22th of August 1680.

Mr Ledgets Ransome Cost him about 5000 dollers

I forgot, but get me Thomas Wards and others protests against their pretence of unlawfull execution, or as they Call it.

A True Coppie, if noe mistake in Compareing it with the origanall, as Attest John Whipple junr Clerke of the Towne of providence

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* The exact amount of the ransom as finally settled was £289 9s. 6d., but payment of interest, bills of exchange, etc., brought the amount to £459 17s. 1d. (See No. 120.)

108

BRINLEY TO MRS. HARRIS, 2 SEPTEMBER, 1680.

Newport the 2d September 1680

Mrs Harris.

These lines are occasioned by the desire of your Son Andrew Harris, who seemes dissatisfied, with my disbursements about your new building since your husband went, wch with some other small matters you lately had amounts to about 10li, & I have a note from your daughter for the payment of Silas Carpenter, about 3li or 4li wch your Son thinkes you know not of. What I doe, is in respect to your husband, and I could heartily wish him here, and would be forward, to procure his Redemption as my very good friend, though you and yours lie under ye hard thoughts of many about it by your refusing to comply with those, that were stirred up to lay downe their monies for that end, wch to me seems a great kindnes, however you take it many others would be glad of the like proffer upon the same tearmes and cannot accomplish it If I may speake a few words without offence, my opinion is that it were better to desist from your building till you heare how it will be with your husband, but it concernes not mee I remaine

Your loving friend Francis Brinley

[Cushman Papers.]

109

WHARTON TO MRS. HARRIS, [SEPTEMBER, 1680].

Addressed:—Thes ffor Mrs. Susanna Harris At Patuxett with Care

Mrs Harris

Two dayes Since I received ye Inclosed and one from yor husband and another from Mr Blaithwhaite Clerke of ye privy Councell for ye Governr. of Conecticott, which I sent forward

yesterday, I understand y^t^ M^r^ Blathwhaite by order of the King and Councell hath ordered y^r^ Husbands Ransome, and hope he may now be in England, It is good y^w^ See to trust in, and waite upon God, who often gives deliverance by unexpected means, There is a ship will Sayle for England y^e^ next weeke, and another a weeke after, what M^r^ Whipple or yo^r^ Selfe Shall See Cause to Send I shall Carefully Convey and remaine

Yo^r^ ready friend To Serve y^w^

Rich^d^ Wharton

[Cushman Papers.]

110

Brinley to Smith, 25 October, 1680.

M^r^ Smith.*

I Came hither that day you went hence, understand you intend for Boston, it were not amisse I did Speake with you, I Cannot Come to you expect Anthō Low† this night from Swanzy, who hath goods aboard for me. Inclosed is two letters of one tenor, for you and Capt Winthrop ‡ to signe for M^r^ Harris Redemption, w^ch^ pray doe and post away to Boston for y^e^ ship else will goe without them, if Capt Winthrop Come not send y^m^ by a Safe hand to Boston without his hand: if you have no opportunity send y^m^ on purpose to John Whipple who

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* Richard Smith (1630–1692) who was one of the largest landholders in Narragansett.

† Anthony Low of Warwick and Swansea was chiefly engaged in the coasting trade. At the time of his death, in 1692, he was owner of the sloop Dolphin.

‡ Wait-Still Winthrop of Boston (1642-1717), son of Governor John Winthrop, of Connecticut.

will Convey y^m^, only acquaint them w^t^ they be your Sister Violl * was well last friday. am.

Y^or^ loving friend

ffrancis Brinley

m^r^ John Whipell Pray Conveye the within Leters with all spede inclosed under you^r^ Covert to m^r^ Richard wharton in Boston that So they may gooe by the first shipe for ouer frend Haris release fayle not you^r^ frend, I ame you^r^ Rich^d^ Smith

25^th^ octo 1680

Kepe this paper tell I Cõme to you.

[R. I. Hist. Soc. MSS., vol. 5, no. 935.]

111

WHARTON TO MRS. HARRIS, 30 OCTOBER, 1680.

Addressed :—Thes ffor M^rs^ Susanna Harris at Patuxett

Boston October 30 : 1680

M^rs^ Harris

I am glad To find Conecticott Soe just and Compassionate to yo^r^ husband, and hope their letter will be accepted as Security to Such as may be made use off for their creditt in England, without other Ingagem^ts^, but least M^r^ Lynd and Some others who have greatest Creditt in England should Demurr upon it, it wilbee good to lett y^e^ Instrument stand as yett, But what lyes in me shalbee done in yo^r^ husbands behalfe; effectually and when M^r^ Smith Comes downe w^ch^ wee Expect tyme enough before any Ship goes, wee shall fully Conclude and write to England, In y^e^ mean time rest

Yo^r^ affectionate freind to serve y^u^

Richard Wharton

[Cushman Papers.]

*Elizabeth Smith, sister of Richard Smith, had married John Viall.

112

Wharton to Mrs. Harris, 29 May, 1681.

Addressed:—Thes ffor Mrs Susanna Harris at Patuxett

Mrs Harris Boston May 29: 1681

That great respect I have for yor husband hath made me as Sollicitous for his redempcon as if he had been my father; and hope that by the assistance of his other friends (especially Mr Brinley) yu will shortly heare he is in Cristendome; The same respect makes me advise yw: That I have lately been Informed That a ꝑson makes Suite to yor Daughter that hath another wife.* and is alsoe under such other Circumstances as might Render ye Match Very unhappy, and minister more Matter of Sorrow to her affectionate father Then his Turkish Slavery, Matters as represented have a great appearance of Truth, but are under a possibility of being falce May it not therefore be Expedient To Suspend, and acquaint yr husband or some faithfull friend with ye business, that may Truely understand ye lovers Condicion̄, if matters prove falce it will be a great Vindication to him, and Satisfaction to yor Daughtr, if true it may be a happy prevention of misery to yr family, whose welfare I heartily wish and therefore—offer this advice, with Cordiall respects to yor selfe and Daughter I remain

Yr assured friend to serv yw

Richd Wharton

[Cushman Papers.]

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*The name of this person is mentioned in the following letter as Pococke, probably John Pococke, of Newport, who had married widow Mary Almy about 1677. Mrs. Harris acted promptly on Wharton's advice, for on 29 June, 1681, she issued the following public order: "To Capt. Arthor ffenner: Mr. Joseph Jiencks: and Mr. Richard Arnold Asistants: or any other in Authority, these are to forbid you and Every of you, that you doe not Joyne John Pocoke and my Daughter Howlong Harris to geather in marrage: till I here from my Husband of his Consent to it," etc. (*Prov. Rec.*, xv: 233). Howlong Harris married Arthur Fenner in 1684.

113

WHARTON TO MRS. HARRIS, 2 AUGUST, 1681.

Addressed:—Thes ffor M^rs^ Susanna Harris at Patuxett w^th^ Care

Boston Aug^t^: 2^d^ 1681

M^rs^ Harris

By the Same Ship that brought the Inclosed I have the good news that y^r^ husband was certainly redeemed, and was got to Marcelleis a ffrench Port, Soe y^t^ it is hoped he is long Since at London, where he will find his business in good forwardness, and will as a ℔son of quality Informs find all Reasonable favour and Supply for his Despatch home, Soe y^t^ I hope to see him this winter. I Sent him y^e^ last letter y^u^ wrote to my Selfe, and Directions how to Satisfy himselfe, and yo^r^ Daughter with relation to M^r^ Pococke, Soe y^t^ I hope yo^r^ Daughter will not be Soe Disobed^t^: to yo^r^. Selfe, or desperately Indiscreet as to proceed any further without her fathers assent or advice Not els but y^t^ I am

Yo^r^ assured friend To serve y^w^

Rich^d^ Wharton

[Cushman Papers.]

114

WHARTON TO MRS. HARRIS, 3 DECEMBER, 1681.

Addressed:—Thes ffor M^rs^. Susanna Harris at Patuxett—

Boston Dec^r^ 3^d^. 1681.

M^rs^. Harris

Knowing how fast bad news flyes and haveing noe p^r^sent oppertunity of Conveyance after y^e^ Last Ships arivall, I Omitted writeing ever since, and p^r^sume M^r^ Smith and others have Informed you the Certainty of yo^r^. husbands Death, which was three dayes after his arivall in London, I have noe further

accompt thereof, and Soe much I have by two Severall Letters the one from M^r^ Deane that lent halfe y^e^ Money for his redemption, and the other from my Son,* who I Expect by the first ship from London, I pray God Comfort y^o^ and Sanctify this Sad news to you and y^rs^. when yo^r^ Son Comes to Boston I desire to Speake with him, and shall give him y^e^ best Information I Can in his and yo^r^ Concerns, Desire him to looke amongst his fathers papers, for a Bill from Henry Palmer of Road Island to my Selfe, w^ch^ I deliverd yo^r^ husband at Road Island about two Months before he went away, If in anything I Can be helpfull to y : ^u^ my respects to him thats gone will oblige me to be

yo^r^ assured friend To serve y^u^

Rich^d^ Wharton

[Cushman Papers.]

115

Brinley to Mrs. Harris, 21 December, 1681.

Addressed :—To M^rs^ Susanna Harris at her howse in Pautuxit

Newporte the 21^th^ of December 1681

M^rs^ Susanna Harris

I Received yours 2 dayes since and have hardly time to write to you an answer, you may be Confident, that trust your Husband my very good friend Reposed in me I will faithfully Performe, your husbands Will is in my hands, and when you see Convenient will open it before the Governor, take a Copy of it and send you the Originall,† this I intend to do least it should miscarry in goeing to you, what advice I

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* Probably William Wharton, who is known to have been abroad as early as 1680 (*6 Mass. Hist. Soc. Coll.*, iii : 466).

† Harris's will is printed in *Prov. Rec.*, vi : 48–58. The inventory of his estate, in the same volume, pp. 75–89, is larger than any other recorded in Providence during the seventeenth century.

am Capable to give you, will assist you to my power, and doe think it very necessary that with all diligence you proceede to put an issue to that troublesome affaire that your husband traveled so much in, and in a likely way, had he lived, might in a short time Received the end of his desire, I Received a letter from Providence, from some that were Concerned with your husband, pray acquaint them, (by Reason of my suddaine goeing westward, from whence if the Lord permitt will suddainly Returne) I have not time hardly to write, but will be mindfull of what they writ. It were necessary to draw a writing, and state the Case how far you^r proceeded in his business before he went of what has been don since, that so it may be Carried on where he left it, for my part I am ignorant how it stands only by Reporte, I want some better information, M^r Whorton is a very Capable man to assist you and willing : your husband died in his friend stokes his house, and my kinsman * that paid halfe his Redemtion was with him a little before his death, but he was Capable then to give an answer, present my Respects to your daughter I am in hast yours to serve you

ffrancis Brinley

A True Coppie : Exstacted out of y^e originall and Compared this : 11^th : day of January 1681 : or 82 As Attest John Whipple of the Towne of providence Clerk :

[Cushman Papers.]

116

MRS. HARRIS TO ANDREW HARRIS, 12 JANUARY, 1681–2.

Addressed :—ffor Andrew Harris my Son ;

Son Andrew, Harris

You are not Ignorant how greately I have desired a unity

* Capt. Thomas Dean and a Mr. Lease lent the money for Harris's redemption. (See No. 120.) The published pedigrees of the Brinleys apparently show no relationship with any of either name.

amongst us whome your Carefull father hath now left destitute of husband, & father, by his death; I have & doe greately desire, as your father by his will hath appoynted myselfe, & you, & your Sister Howlong joynt Exsecutors, that wee may joyntly goe one to gether to y^e^ settling of y^e^ Estate according as y^e^ law in such Cases requires; upon your former refusall, my selfe & your sister Howlong as wee are Exsecutrixes to your ffathers will, have made choyce of your unkle Thomas Harris & our Cousin Thomas ffield * to take an Enventorey with us of y^e^ Estate, wee pray you seperate not your selfe from us † but that you would joyntly act along with us, that so you^r^ deceased fathers will may by us all, be unanimously performed: but if you detirmine with your selfe not to joyne with us as aforesaid, Then wee doe desire, and demaund of you, Emediatly to deliver up unto us the Key of y^t^ Chest which is at Nathaniell Watermans house, that so y^e^ goodes therein may be Come at to be prised, or otherwise wee must be Constrained to take some other legall way to Come at them; And also y^t^ you doe bring forth & deliver up all those goodes & Cattle in your hands, or Custodye which are part of your ffathers Estate;

January y^e^ 12^th^:
1681.

Your loving mother,
& your Sister Exsecutrixes
to your deceased ffather

Susan Harris
Howlong Harris

[Cushman Papers.]

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* Thomas Field, who married Martha Harris, daughter of Thomas and Elizabeth Harris.

† Howlong Harris Fenner, sister of Andrew Harris, stated in a declaration of 1708:—"I have cause to remember the transactions of my father, his surveying and his journeys and charges and impoverishment and grievous toil and labour I had and anger I met with from my aged crasie mother while my brother kept himself free from the trouble of my father's business" (*R. I. Hist. Soc. Pub.*, iv: 198).

117

Petition of Carpenter and Others Concerning Pawtuxet, 12 September, 1682.

Where as there was an arbetration in the yeare 1657: and men mutually Chosen to determin a Case of diferance Conserning Tytle of Land in Contravecey at or neare pawtuxet betwene andrew harris & William ffeild in whos steed Thomas ffeild is Com) and Richard Waterman in whose steed Nathaniell Waterman is Com) and Thomas Olney Senior of the one part: & William Arnold William Carpenter & Zachariah Rhoads of the other parte The men Chosen were Majer William hathorn: Captain Eleasor lusher & M[r] John Eston & M[r] Joseph Torrey who delivered there determination in writing according to the Tenour of the bonds:* the which determination ought to have bene performed long a goe: and now long time is Expired and nothing is don there in: and sevrall persons wants there land and Can not make use thereof for want of a devision Now therefore we who ar at present Conserned in the forsaid matter whos names ar under writen doe by these presentes make a Just demaund of you for to Joyne with us & those Conserned to devid the said land according to the determination of the forsaid arbetrators with in Three monthes after the datt here of: and we doe desiar also an answer from you in writing of your mindes what you doe will and intend in this matter with in seaven or eight days:† and so in Confirm-

---

* Their award, dated 15 June, 1657, is printed in *Prov. Rec.*, xv: 94–95.

† Ten of the Pawtuxet proprietors, including Stephen Arnold, but not Reape or Carpenter, signed an agreement, dated 27 November, 1682, to disregard the arbitration of 1657, which "made the foresayd difference more darke & dubous then it was before" and arranged a division of the land more to their liking. Since some of the proprietors still refused to consent to any division except according to the arbitration of 1657, another document, dated 12 May, 1686, was drawn up by the ten proprietors, binding themselves mutually in a bond of £150 to observe the agreement of 1682. (*Prov. Rec.*, xiv: 145–148). On 4 May, 1689, they divided the Pawtuxet lands according to this agreement, describing them as not extending beyond the Pocasset River (*Prov. Rec.*, iv: 147).

ation of this our Just demand of you we doe here unto sett our hands the Twelveth day of September 1682

the marke [×] of Joan Reepe
William Carpenter
Stephen Arnold

[Cushman Papers.]

118

PETITION OF WATERMAN AND FIELD, 31 OCTOBER, 1683.

To the Hon^rd: the Gennerall Assembly of Majestyes Colloney of Rhode Island & Providence Plantations in New England, Assembled at the Towne of Providence in the Colloney aforsd the last Wednesday in October 1683: It being y^e 31 day of the Month:

The humble Adresse & Petition of Nathaniell Waterman & Thomas ffield inhabetants of y^e aforsd Towne of Providence; Sheweth,
That whereas by an Especiall Court held by his Majestyes Authoritye, by Comissioners of y^e foure Collonies (viz) Massachusetts, Plimouth, Conecticutt & Rhode Island &c. Beginning & held at y^e Towne of Providence in y^e Colloney aforsd y^e 3^d day of October 1677, verdicts were obtained in favour by William Harris & parteners; & judgment thereon, against John Horrud & others, & Edmund Calverley & others. And whereas his Majestye by his Letters from his Court at Winsor beareing date y^e 9^th day of July 1679, in y^e 31 yeare of his Reigne, was pleased to give forth his Royall Comands to y^e authoritye of this Colloney to Cause y^e said verdicts & judgments thereon to be duely Executed: But as yet Execution is not done as to sd verdicts & judgments. And whereas yo^r Petitioners were y^e sd William Harris his parteners, in Comencing y^e said actions, & obtaineing y^e said verdicts & judgments: Wee pray, that his Majestyes Comands may be by y^e Authoritye of this

Colloney performed in Causeing Execution to be done according to sd verdicts & Judgm^{ts}: That so we may be put into possession of our Landes which we have so long a time benn kept out of by y^{e} intrusion of others. Yo^{r} prosperitye shall be prayed for, by yo^{r} Petitioners.
The landes which y^{e} intruders are setled upon; And your Petitioners thereby kept out of y^{e} possession of y^{e} same, is y^{e} Lands of Pautuxett, lieing at and about y^{e} place called Máshantátuck. We pray that y^{e} said intruders may be remooved, and your Petitioners put in quiet possession of y^{e} same.

Nathaniell Waterman.
Thomas ffield.

Here is a Petision that wee presented to the Colony but they would take no notis of it but Returned it againe

[Harris Papers, p. 103.]

119

Depositions of Olney, Williams, and T. Harris, 1 November, 1683.

Endorsed:—The Testimony of M^{r} Olnye & M^{r} Joseph Williams. w^{ch} prove that Smith depu^{d} Marshall Instead of going to the place where y^{e} Tenants by force held Possession as W^{m} harris desired him went another way & Came not to Meshantatuck
also Thomas Harris his Testimony.

Epenetus Olney & Joseph Williams* of the Town of Providence in the Colony of Rhod Island & Providence Plantations being Deposited Testifieth as followeth.
That upon the 4th day of December 1679. These Deponants

* Epenetus Olney (1634–1698) and Joseph Williams (1643–1724) were both active in later years in Providence town affairs.

being at the Dwelling Place of William Harris in Pautuxet in the Township afores[d]. & there staying till about the Middle tim of the Day, There Came one John Smith Deputed Marsh[ll]. (as Was said) to do Execution for the said Harris, & with him Cap[t] John Green of Warwick. The said Smith Hasting the said Harris to go with him, Then the said Harris made hast & fetch [ ] his Mare to go, & the said Harris & Smith & these deponants did go along together till they Came to the Corner of said Harris[s] fence, where the ways Parted, the said Smith there Makeing a stopp. The said Smith asked the said Harris to go along with him to the former Dwelling of Ephraim Carpenter. the said Harris Answering the said Smith he had not any occasion there but said Harris Come, let us go to Mashantatuck, to the Place where John Harrod lived upon the land sued for, Then the said Smith demanded of y[e] said Harris a Coppy of Mashantatuck Deed, then the said Harris Demanded a Coppy of the said Smiths orders the said Smith denying to give the said Harris a Coppy thereof but bid him go to the office for one, the said Smith still desireing the said Harris to go to the afores[d] Carpenters, for there was part of his ayd, & he had Promised them to Come to them there; The said Harris saying he would go to Mashantatuck & upon the land they would further disscorse the Matter. Then the said Smith said he would not venter his p[r]son along with him. for there were some of his Concerns with him, but he the said Smith said he would go to his ayde & Come to him the said Harris, Then the said Harris & Smith parted, & the said harris & some of his partners & these Deponants went to Mashantatuck to the Place, or neare, where the said Harrods house stood where the said Harris & these Deponants found a shelter Errected against the wall of the said Harrods house, wherein were two p[r]sons to Witt Samuel Relph & Edward Searle * keeping Possesion of the said Mashantatuck lands, & would not suffer

* Samuel Ralph was the son of Thomas Ralph, and Edward Searle was brother-in-law of Edmund Calverly, from whom he obtained, in 1671, the purchase right at Mashantatack.

the said Harris & partners nor these deponants to Enter into the said shelter, & there upon the said land the said Harris & partners & these deponants Waited till after the setting of the sun, upon the afores[d] day but the said Smith Came not dureing the said Time, nor whilest these deponants there stayed, which was while it was neare Darke, but before these deponants Came from thence there Came to the afores[d] two ꝑrsons. severall More of them which Claime a Right in the said Mashantatuck lands. Clamed by the said Harris & Partners. Taken upon oath this 31. of october 1683.

ꝑr me Joseph Jenckes assist.

A true Coppy of the origeonall Compared by me
Nathaniel Thomas

The Deposition of Thomas Harris Sen[r] of the Town of Providence in his Majestis Colony of Rhod Island & Providence Plantations in New England being Sworne according to Law Testifys as followeth

That John Smith deputed Marshall (as was said) to do Execution for William Harris, Came to this deponant upon the eigth or ninth day of December. 1679 & did Inform him that he the said Smith had been at the Dwelling Place of W[m]. Harris to have him go along with him y[e] said Smith for he was Come to do Execution for him. the said W[m] Harris, but the said Smith said the said Harris was not at home, & the said Smith said he did understand that (he to say) this deponant a had a letter of atturney from the said William Harris to Receive Possession of the land which Execution was to be done upon, This deponant Replying to the said Smith, That he had a letter of Atturney from the said W[m]. Harris, & if he the said smith had an order from the Gen[ll] assembly of the Colony or from the Maj[r] Part of the Councill of the Colony to do Execution upon Each verdict of the Jury according to his Majestys Comand, & would do it accordingly both upon the lands Mentioned in the said verdicts. & the Damages This Deponant was Ready to go along with him the said Smith in the said William Harris s behalf to Receive & take Possession of the

same but the said Smith Did not seeme free so to do, but Went away & Did no Execution,* This this deponant saith is Truth & further saith not

Taken before me upon Ingagment this first of November 1683 pr me Joseph Jenckes assist.

A true Coppy of the origeonall Compared by me
Nathaniel Thomas

[Cushman Papers.]

120

TREASURER OF CONNECTICUT, BILL FOR RANSOM [1686].

Endorsed :—The Treasr of Connecticutt Colonys Accompt what paid for mr Harriss Redemption

Also endorsed by Moses Brown :—and that Capt Dean in London paid £289 Sts the advance and interest amounted to £459.17.10 paid by Connecticut and repaid by the Family.

1682 : Capt. Wait Winthrop mr Richd Wharton and Company

		Dr. £	s	d
	To Cash pd. mr, Wharton ℔ Capt. Davis	113	00	00
	To 3 ℔rce~ Intrest for 113£	020	05	00
1684 Augt	To Cash pd Ditto ℔ Thomas Skiner	050	00	00
	To Intrest for ¾ of a yeare	002	05	00
1685 June 24	To Cash pd Ditto ℔ mr. Jno. Wadsworth	177	10	00
1686	To Corne sent from severall Towne sould for mony as ℔ mr. Whartons acot	037	17	00
	To Cash pd. Ditto ℔ John Wheelor	032	00	00
	To Cash pd Dito ℔ Wm. Whiting ℔ Recept	019	00	00
	To Cash pd ℔ Thomas Skiner & ordered	08	00	00
		459	17	00

* The efforts of Smith to deliver possession of the lands in dispute are recounted in depositions made at the time, 4 and 8 December, 1679, printed as a part of the proceedings of the Rhode Island Council, No. 91, pp. 286–297.

℔ Contra Cr.

1681.		
June 28	By mony p[d]. in England to m[r]. Dean & m[r]. Lease for Redemption of m[r]. Harris as ℔ m[r]. Deans Lett[r]. and m[r]. Whartons acc[t] will appeare * : 289=9=7	289—9—07
	By Exch[~] at 25[li] ℔ Cent	72—07—7½
1685.	By Intrest for 4 yeares at 6[li] Cent	86—14—11
June. 24. 85.	This Acc[tt]. thus Stated und[r]. m[r] Wharton hand	448=12=1½
	By Intrest of 85–2–1½ at 6 ℔ Cent. one yeare and halfe	007=14=0½
	By Cash allowed Jn°. Wheeler for fraight of Corne	003=11=00
		459=17=01

This is a true Coppy of the Acc[tt]. taken out of the Country Booke of the Collony of Conecticott In Hartford this 25[th]. of March, 1694.†

℔ Joseph Whiting Treasu[r].

[Cushman Papers.]

121

Pawtuxet Proprietors' Appointment of Attorney, 25 June, 1686.

Endorsed:—Pautuxet Proprieters Letter of Atturney to N Thomas

To all to whom these p[r]sents shall Come Greeting Whereas M[r] William Harris of Pautuxett in the Colony of Rhode Is-

* The Connecticut Court accepted this account, 14 May, 1685 (*Conn. Col. Rec.* iii: 169).

† The above copy was made at the request of Howlong (Harris) Fenner, 28 March, 1694. (See No. 128, p. 363.)

land & Providence Plantations upon his Pettition to his Late Majesti. in behalf of himself & partners owners & proprieters of the lands att & about Pautuxett procured a speciall Court to sitt at sd Providence to hear the Complaints of sd william Harris & partners against severall Intruders on their lands which sd Court upon hearing & triall of severall Plaints & suites Comenced by sd Harris Thō. Feild & Nathaniel Waterman against severall prsons viz John Towers of Hingham Capt John Green & Mr Samuel Gorton Junr. of Warwick John Harrod Thomas Relph & Rodger Bucklingham & others Tenant pr force. found & gave Judgments for the Plantiffs true title of land damages & Costs of Courts by virdicts of Jury & Judgment of Courts as by the Records of sd Courts reference therunto being had more fully appeareth; And It soe hapening that the sd Willm. Harris deceased before Execution was served and the sd Intruders removed off from the sd lands soe that they still remain thereon & hold the same by force Now Know you That wee whose names are hereunto subscribed partners as afores[d] & proprieters of the sd lands Have made ordained Constituted & Deputed & by these prsents Doe make ordaine Constitute & Depute & in our stead & place putt Our Trusty & welbeloved freind Capt Nathaniel Thomas* of Marshfeild our True & lawfull Atturney for us & in our name place & stead & to our use To prosecute the sd Plaints & suite to Effect soe as the Intruders & holders of our sd lands by force may be Removed off from the same & we put into peacable & quiet possesion thereof & have Execution for our sd Damages

* Nathaniel Thomas (1643–1718), for several years a selectman and representative of the town of Marshfield. Mr. Rider (*Hist. Tract*, ser. 2, no. 4, p. 108) says that Thomas, in 1687, proposed that the Pawtuxet men should "procure a new charter, which he assured them could be accomplished speedily and at small cost, and under it they could possess themselves of all the lands which they claimed. Mr. Thomas says, 'My advice is that with expedition and secrecy as to ye adversaries' this be done—*ex parte*, of course, as usual. This was discussed, but nothing came of it. Later in the year or early in 1688 Mr. Thomas attempted with a writ of *scire facias* at Newport to reopen the case, but his attempt failed."

& Costs hereby giveing & granting unto our s^d^ Atturney full power & lawfull Authority to prosecute all or any of the s^d^ Plaints & suites before any of his Majestis Courts Judge or Judges which hath or may have proper Cognizance thereof. Atturney or atturneys under him to make & Constitute & at pleasure to revook & generally to say doe perform & Execute whatsoever in the law shall be needfull or Conveniet for the Effecting & accomplishing the p^r^mises or any of them; & whatsoever our s^d^ atturny shall lawfully doe or Cause to be done in about or Concerning the p^r^mises we doe by these p^r^sents ratifye allow & Confirm the same in as full large & ample maner as if we our selves were p^r^sonally p^r^sent In witness wherof we have hearunto set our hands and seales the twenty fift day of June 1686 Anno g^r^ R R F Jacobi secundi secundo.

Signed seald & Deliver^d^ in p^r^sence	Thomas ffield	[s]
of us witneses John Sheldon	Nathaniell Waterman	[s]
Nathaniel Thomas Ju^r^.	Stephen Arnold	[s]
	Timothy Carpenter	[s]
	Silas Carpenter	[s]
	Benjamin Carpenter	[s]
Nathaniel Thomas Junior one	Jeremiah Rhoads	[s]
of the witness to this instru-	Peleg Rhoads	[s]
ment appeared before me one	Benjamin Smith	[s]

of his Majestys Counsell & made oath that he was p^r^sent & saw the afores^d^ nine p^r^sons signe seale & Deliver the above written Instrument as their act & Deed & that the other witness John Sheldon then set his hand hereto

feb. 14. 168$\frac{6}{7}$ William Bradford

[From Harris Papers, p. 104.]

122

PAWTUXET PROPRIETORS TO HINCKLEY, 6 JULY, 1686.

To the Honourable Thomas Hinckley Esq^r^ & to the Worshipfull his asistants assembled in Court July. 6. 1686

The Humble Pettition of the Purchasers & propietors of the land of Pautuxett in Providence in the Colony of Rhod Island & Providence Plantations

Humbly sheweth

That Wheras Mr William Harris of Pautuxett afores^{d} now deceasd upon his Pettition to his Late Maj^{tie} in behalf of himself & partners owners of the lands att & about Pautuxett Procured a speciall Court to sitt at Providence to hear the Complaints of s^{d} Wm Harris & partners against severall Intruders on their s^{d} lands, w^{ch} s^{d} Court upon hearing & triall of severall Plaints & suits Comenced by s^{d} Harris Thomas feild & Nathaniel Waterman against severall p^{r}sons viz John Towers of Hingham. Cap^{t} John Green & M^{r} Samuell Gorton & the Town of Warwick, John Harrod Thomas Relf Roger Burlingham & others Tenants p^{r} force: found & gave Judgment for the Plantiffs true title of land dammages & Cost of Courts by virdicts of Jury & Judgments of Court as by the Records of s^{d} Court more fully appeareth. And those Cases being Represented to his Maj^{tie}. for his finall determination thereon his s^{d} Maj^{tie} by his letters dated at Winsor the 9th of July 1679 gave order y^{t} as to y^{e} Case of Warwick the Gov^{r} & Majistrats of this Colony should Call before them John Green & Randall Holden & hear the p^{r}tencis of the s^{d} harris &c to the lands Conteined in that verdict. & as to the first & three last verdicts of s^{d} Court given in favour of s^{d} Harris & partners (In Case Rhod Island Gov^{r}m^{t} failed the doing Execution thereon in 3 months after the Reception of his Majestis Comands) your selves were Requir^{d} to Cause Execution to be done both for lands & Damages as by his s^{d} Majestis letter more at large appeareth

And we further shew your Honours that the then Gov^{r} of Rhod Island & some of his assistants haveing Received his s^{d} Majestys Comands for Causeing Execution to be done in the first & 3 last Cases as afor^{e} s^{d}, After divers meetings & adjornments about the same in the s^{d} year 1679. finally appointed one John Smith to to give quiett & peaceable Possesion of the lands recovered by the first & 3 last verdicts of the s^{d} speciall Court with the dam̄ages & Cost &c. unto s^{d} Harris Thomas

feild & Nathaniel Waterman &c. (Although Mr Walter Clarke then Deputy Govr & Mr Thomas Ward then assistant agreeing with the Rest in doing Execution as afore sd discented from & declaired against under their hands. his the sd Smiths being the prson to doe the same Declairing him not a meet man to be Imployed in that servise & Judged him Partiall from what they had heard him speake Concerning the prmises) And the sd Smith accordingly takeing that servise on him went to Pautuxett & prtended to sd Harris &c he was Come to Deliver execution &c.

But in most deceitfull maner deceived them and never attempted to Remove or Disposes the sd Harrod Burlingham & Relfe from off the sd lands, But some Miles from the Place where sd Harrod Burlingham & Relfe &c held Possesion by force whether the sd Harris & partners then went to Receive Posesion The sd Smith with his Crew sd Green & others staid prtending their to deliver seison by twigg & turff if Harris & partners would Come thither to Receive it: By which falacious doings of the sd Smith the sd Harrod Burlingham Relf & others still hold Possesion of the sd lands by force & your Petitioners held out thereof to this day. Nor hath the Govrment of Rhod Island ever taken any other Course to prform the Kings Comands or to put yr Pettitioners into the possesion of the same to this day. And the sd Harris then Imeadiately going for old England was first taken by the Turkes & after dying abroad before his Return home ocasioned the thus long delay of adress to yr Honrs in that matter

Wherfore your Pettitioners Humbly Pray yr Honours according to his sd Majestis Comands to appoint & Impower an officer to Remove & Disposes the prsons that still hold our sd lands by force & Cause us to be put into the possesion of the same & to doe Execution for our sd Costs & damages in the sd Cases & your Pettitioners shall Ever Pray for yr honors prosperity & Remaine as in duty bound &c

Yr Honrs Humble servt
Nathll Thomas pr Cu

[Harris Papers, p. 106.]

123

BRINLEY TO MRS. HARRIS, 28 SEPTEMBER, 1686.

Addressed :—To Mrs Susanna Harris
at Capt Arthur Fenner's
in
Providence

Rochester * the 28th of September 1686

Mrs Susanna Harris

Three daies since I recd a writing from Henry Tew † written with your husbands owne hand, signed and sealed by himselfe, and attested before John Whipple Assistant, The purport thereof being (as a Codicill to a will,) to give unto the Children of your Daughters Mary and Susanna, and the children of your Son Andrew such parts or portions of his land at such times and by such Trustee as in the yeare 1686 &c have power thereby to act, your Son Andrew being dead and your daughter uncapable by her marriage, it is delivered unto mee as being next in nomination, and Something being to be performed this yeare to your daughter Mary Borden ‡ &c I not having ye will by me wch this hath reference to, am in the darke about it, and the more by reason of your Sons former transactions not according to the will: I cannot tell whether this writing be of any force to alter any thing mentioned in the will, especially being kept private, wch this is ordered to bee, but I suppose knowne to your selfe, neither doe I think a Tenure of Gavoll kind can be instituted (as this seemes to hint) for [ ] Lands are to descend according to the Mannor of East greenwich in Kent, wch is different from Gavell Kind. Pray affoard me a line or two of your mind in answer, I am ready

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* Kingston was officially named Rochester during the Andros period, 1686 to 1689.

† Henry Tew (1654–1718), a leading citizen of Newport and a deputy to the Assembly from 1680 to 1698.

‡ Mary Harris married, 20 January, 1664, Thomas Borden.

and willing to doe any thing that may be of use and service to you or your's having Lawfull authority for so doeing. I never heard of this writing till now, and why now only made knowne to me I understand not. I am willing to doe the thing that is right and to performe the will of the deceased according to my power and your advice, w^ch^ I expect to receive from you and remaine

Yo^r^ friend & Serv^tt^
Francis Brinley

[Cushman Papers.]

124

Testimony of Olney and Whipple, 19 February, 1686–7.

Epenetus Olney Aged 53 yeares or there a bout & Joseph Whipple* aged 25 yeares or there a bout being in gaged accordind to law tesstifieth as ffoulleth

That upon the 18^th^ of ffebuarey 168⅞: John Weekes† of Warwick being at the towne of Providence & there at y^e^ house of John Whippell being in Company with Nathaniell Waterman & Tho: ffield. the said John Weekes, Nathaniell Waterman & Thomas ffield fell into discourse about Pautuxett lands The sayd John Weekes then informed the sayd Nath: Waterman: & Tho: ffield that he y^e^ said John Weekes was then goeing to his Exellency S^r^: Edmand Andros about the lands of Mashantatuck, & in case the sayd Nath: Waterman & Tho: ffield would then agree with him ffor them selves & the Rest of there partners he would engage for him selfe & for his partners, that what was at that time agreed upon betweene them three, as Concerning the lands of Mashantuck which have been so long in diference betweene them should stand firme & good, The first

* Joseph Whipple (1662–1746), of Providence; his elder brother, Samuel, was married to Mary, daughter of Thomas Harris.

† John Wickes, Jr., son of the original Warwick settler.

propossition made by the said John Weekes was that he & his partnors should have each of them a hundread acres of upland & the meadowes amongst them, & allso to have both he & his partners to have each man in all pautuxett lands an equall share with pautuxett proprietors in the nex devision, The second propossition made by the sayd John Weekes, was that the said John weekes & his partners should be allowed by the sayd Tho: ffield Nath: Waterman & there partners three thousand acres of the sayd land & also the meaddows the which said lands & meadowes the said John Weekes & his partners would hold by vertue of the Right and purchasse which Pautuxett proprietors hold there clayme of Pautuxett lands by, which so Ever of the said propositions should be ageed upon, and if either of the sayd propositions would be assented to then there should be an End of the diference betweene Pautuxett men & the sayd John weekes & his partners as to the lands of Mashantuck & no more should be said of it, but in case those propositions were not assented to then hee would proceede & goe on with his buissinesse of the said Mashantatuck lands to his Exellency: but no agreement was then made by the aforesaid persons & so Each one wen his way.

this these deponants
Sath is truth
Providenc ffebruary y^e^ 19^th^ 168⅞

Taken before me
Arthur ffenner
Asistant

[Harris Papers, p. 105.]

125

FIELD AND WATERMAN TO THOMAS, 21 FEBRUARY, 1686–7.

Addressed:—These ffor Captane Thomas

Providence ffebruary 21^th^ 168⅞

Sir wee Receved yours dated ffeb 12^th^ 168⅞ and wee sent to

you a letter dated about ffeb y^e^ 14^th^ which wee hope you have receved, signifying what wee was in formed about the men of mashanatock what thay in tend to do that is to delever thare deeds up to the Governer & plead the land to be y^e^ kings & one y^e^ 18^th^ of this Instant wee spake with John weekes thare a torney in our towne as he was goying to boston, & had discourse with him about the matter as you may see by this in Closed testimoney,* he shewed us his letter of aterney which is weake & thare deed of y^e^ land thay clayme, to the best of my rememberanc it is dated in y^e^ yeare 1662 & those thay bought y^e^ land of is 3 or 4 sorrey Indians & as I understand there leavfe from Royd Iland Corte was to perches 3 or 4 thousand ackers of land, but not to peches with in any townes Clame nor with in any other mens Clame, but m^r^ Harris house that he lived in long before there perches: is with in thare perches & a great dealle of the land belongin to the Towne of providence, M^r^ Holden is at boston one warwick be halfe & John Smith ye servare, wee had som thaught to bin thare our selfes but being that M^r^ Thomas Olney is Chosen & aponted to be there one our townes be halfe, which is abell to informe you in our matter better then our selfes, becase he hath bin in ployde in the matter in M^r^ Harris day wee thinke it may be Convenent for this barer, M^r^ Olney & your selfe to Confer to gether about, your matters there depending, m^r^ Harris grounded all his plea one the norword side of that branch of Patoxsett rever that Cometh out of penhongansett pond soe leveing it to your selfe wee Rest your

ffreends Thomas ffield
Nathaniell Waterman

[Cushman Papers.]

126

Pawtuxet Men to Thomas, 8 March, 1688–9.

Addressed:—"ffor his Loving freend Captane Nathaniell Thomas living at Marchffield these with care"

* The preceding document.

Providence March y^e^ 8^th^ 1688

Loving freend Captane Thomas wee pray you to doe us that kindnes to delever all the rightings & deeds that is in your hand that doe Consarne our matter: to Clement King:* and wee whowse names are here unto subscribed will see you satisfied for your paynes: & wee pray you to send your mind by Clement King what you desier of us, ffor your paynes; and wee will Take care that you may be satisfied & wee pray if you Can doe any good in the matter by righting any letter to his Excellencey or to M^r^ Dudly in formeing them how matters have bine Carred alonge, wee pray you do us that kindines if you are able to right: and if you plese and Can to returne your thoughts to us, & soe wee rest your ffreends & sarvants

Stephen Arnold
Nathaniell Waterman
Thomas ffield
Silas Carpenter
Timothy Carpenter
Peleg Rhoades

[Cushman Papers.]

127

PAWTUXET AGENT TO ANDROS [MARCH, 1689].

To his Exelence Sr Edmond Andros† K^t^ Cap^t^ Generall & Gov^r^ in & Over his Majesties Territory & Dominion of New England

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* Clement King of Marshfield bought land of Ephraim Carpenter in 1687, and moved to Providence about this time. His daughter married a son of Thomas Harris.

† Andros had arrived in Boston as Governor-in-Chief of New England, 19 December, 1686, and remained in office until April, 1689. Thomas probably addressed him soon after receiving from the Pawtuxet proprietors the letter of 8 March, 1689.

The Humble Pettiõn of Thomas ffeild Nathaniel Waterman & Divers others the proprietors of the lands of Pautuxet in the Towne of Providence

Humbly Sheweth

That Mr William Harris Late of Pautuxett aforesd upon his Pettition (in behalf of himself & your Pettitioners his Partners) to his late Majestie shewing that he & your Petitioners had been Entred upon & held out of the Possession of great part of their said lands by divers prsons & therupon his Majestie was Graciously Pleased to Grant a speciall assize for the hearing of the said Complaints by his Order bearing date at Hāpton in the yeare 1675 which accordingly sate at Providence in the yeare 1677 & upon hearing gave Judgment for said Harris & partners in five actions & made Report to his Majestye thereof

That Major John Green of Warwicke one of the Defendants and great Oppressor of your Petitioners Posted to whitehall And in the absence of the said Harris by Misrepresentation of the Matter (viz that the lands Conteined in the 2d verdict were noe part of the lands of Pautuxett nor within the Comission to be brought to tryall) obtained a stay of Execution on the second verdit wherin the said Green was Concerned, But upon the said Harrises arrivall in England & true Representation of the Matter his Majestie Ordered Execution to be made in the first & three last verdicts And a Rehearing of the second by the Govr & Magistrates of Plimouth who made Report thereof to his Majestie in the yeare 1679 in favour of said harris & your Petitioners, (viz that those lands Contained in the second verdict were part of the lands of Pautuxett & within the Kings Comission to be brought to Triall as well as any other of Pautuxett lands) but soe it is that the officer appointed by the Goverment of Rhod-Island to deliver Possesion hath Rendred his Majestis Gracious Comands Ineffectuall which nessesetateth your Petitioners to bring their writt of Scire facias now Depending

That the said harris in goeing the third time to his Majesty to Carry your Pettitioners Complaints against the said officer

& Green was Captivated by the Argeireens & soone after died & soe your Petitioners Remaining under Great oppression & Injury are still held out of the Possesion of their s^d^ lands

That his Majesties more Imeadiate Government being now established here your Petitioners humbly Conceive that the said second verdict & judgment wherin the said Green & Town of Warwicke are Concerned may by writt of Scire facias be heard & determined before his Majesties Superiour Court of Judicature here, without sending to England to lay the same againe before his Majestie

Your Petitioners therefore most humbly Pray your Exelence would Pleas to Order that the said second verdict wherin Warwick and the said Green are Concerned may be heard & determined before his Maj^tes^ Superiour Court of Judicature here

That if upon hearing the said Case of Warwick & the other Case now depending judgment shall be affirmed for you petitioners your Exelency would Pleas to Grant them a Pattent under his Majestes seale for New England for the further Confirmation of their title to their Pautuxett lands to be holden of his Majestie & your Petitioners will defrey the Charge thereof & Remaine as in duty bound &c

Nathaniel Thomas as agent in the behalf & by order of the said Proprietors

[Cushman Papers.]

128

FITCH TO MRS. FENNER, 28 MARCH, 1694.

Addressed: — These ffor Cap^t^ Fenner of providence m^is^ ffener*

Yo^rs^ I Received and as with respect to what you desire of

*Howlong Harris married Arthur Fenner in 1684.

me (viz) to give you an Accompt what our Colony paid for yo^{r} deceased ffather Haris^{s} redemption I concluded the the best way truely & rightly to understand it, was to send to our Treas^{r} & Sect^{ry} and here I have sent you an Account* under our Treas^{rs} hand and a letter to my selfe from Col. Allyn

verily the Gentlemen soe much concerned in and earnest for yo^{r} ffathers goeing for England they should at least have themselves paid halfe: By the account you will see it cost this Colony above £450 in money, I can not, must not, I dare not, beleeve any of those Gentl^{m} concerned will or dare be soe unjust as to undoe yo^{r} fathers heir or heirs by reason of his being perswaded to serve them: yea should they whoe would pitty them if they were in Turkie, I well remember: that in the time of it when your ffather was in Captivity m^{r} Wharton used many Argument with me to excite our Gen^{ll} Court to pay m^{r} Haris^{s} redemption money, and endeed I was considerably Instrimentall but I objected to him wee heard that you the Gentl^{m} that pretend an entrest in the narragansett Country: hath taken a morgage of his lands: for said I twas yo^{r} contrivance to send m^{r} Haris & sent m^{r} Richardson to our Court allsoe to Imploy him, m^{r} Wharton Answer^{d} noe if yo^{r} Colony will pay their proportion you shall have the morgage m^{r} Haris^{s} children should have noe damage by it I find in the Account maj^{r} Gen^{ll} Waite Wintroup name I know him soe hon^{able} & just a person he will not suffer you to be wronged: But if any still molest you, if God spare my life Assue yo^{r}selfe I shall doe y^{e} best I can for you by all just means & soe will our Gentlemen here: I cant add only p^{r}sentation of heartie service unto Cap^{t} ffener: & unto yo^{r} selfe: whoe am yo^{r} ready & willing friend ready to serve to the uttmost of my power

James Fitch Jun^{r}†

Norwich march 28: 1694

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*For this account, see No. 120.

†James Fitch (1649–1727), of Canterbury, assistant in Connecticut Assembly, major, and large landholder.

Give me leave to say I heartily thank that Widow or fatherless childe whoe will give me oppertunity to serve them

[Cushman Papers.]

129

Petition of Pawtuxet Proprietors to the Queen [1705].

To the Queens most Excell^t Ma^ty

The Humble Petition of Andrew Harris Grandson and Heir of William Harris, Thomas Feild, and Nathaniell Waterman of Pautuxet in New England.

Humbly Sheweth

That the said William Harris Grandfather of the Pet^r by his Petition humbly offered to the late King Charles the Second of blessed memory bearing date the 11th of June 1675. Praying that Kings favour, Referring to Certain Lands belonging to the said William Harris Field, Waterman and Other Partners and Obtained the Establishment of a Court of Oyer and Terminer, Consisting of Certain Commissioners from the Massachusets, New Plymouth, Conecticutt and Rhod Island Colonys, To hear and Determine the Pet^rs Title to the said Lands as by the said Kings Royall Letter, and Direction thereupon Referrence thereto being had may more fully appear.

That the said Commissioners from the four severall Governments Assembled and Sat at Providence the Towne where the said Lands lye, and by Lawfull Jurors of the Severall Colonys as they were Directed Proceeded to a hearing and Tryall of the said Titles. That the said Harris and Partners Recovered five severall Virdicts against the Tenants by Force, and had Judgment thereupon, Hee

not being put into Possession he again Repaired to Whitehall for the Kings further Favour and Justice therein. Where appeared John Green and Randall Holden in behalf of the Towne of Warwick Challenging the second of the said Verdicts of Injustice but Submitting to the other four Verdicts. And thereupon obtained the Kings further Letter to the Gov^{r} of New Plymouth and the Magistrates of that Colony alone (as the said Holden and Green desired objecting to the other two Colonys upon the account of displeasure against them) further to hear their challenge to the said 2^{d} Verdict.

That in Obedience to this last Command of the King, Gov^{r} Winslow and his Brethren of New Plymouth had a full hearing of all Parties and made their Report of the Justice of the said second Verdict in favour of the Pet^{r}

That notwithstanding all that is above said, appearing by the Records, the Government of Rhod Island in whose Jurisdiction the Lands are Lying have refused or Neglected to put the Pet^{rs} into Possession but the Intruders are there yet Remaining and many others joyned with them.

That hereupon some years after all means used (to no purpose) by the said William Harris to Gain his just Entrance and Possession took another Voyage into England to obtain his Right but in that Voyage was taken Prisoner into Algeirs to his very great loss, and being at length Redeemed, dyed in London before he was Capable to make his further application to the King.

That Andrew Harris the Present Pet^{r} his Grandson, and Heir being, now come of age, and thereby Capable to sustain the present Complaint togather with the said Field and Waterman his Partners.

Most humbly pray of Your sacred Ma^{ty} That the said Five Judgments may be Inspected, And That Your Ma^{tys} Pet^{rs} may be put into Possession of the said Lands with their Damages and Costs So by Verdicts Recovered.

And they shall ever pray &c

Andrew Harris
Thomas Field
Nathaniell Waterman

A true Copy
Chris: Musgrave

[Harris Papers, p. 95.]

130

ROYAL ORDER, 18 DECEMBER 1705.

Endorsed: — A Coppie of the Queens order upon Pautuxet mens Petition.

Att the Court at S[t] James's the 18th day of December 1705

Present

The Queens most Excell[t] Maj[ty]

His Roy[ll] Highness Prince George of Denmark	Duke of Somersett	Lord Coningsly
	Lord Chamberlain	M[r] Speaker
Lord Keeper	Earl of Stamford	M[r] Sec[ry] Hedges
Lord Treasurer	Earl of Bradford	M[r] Sec[ry] Harley
Lord President	Lord Paulett	L[d] Ch:Jus:Trevor
Lord Privy Seal	Lord Dartmouth	M[r] Vernon

Upon reading this day at the Board a Report of the R[t]: Hono[ble] the Lords of the Committee for hearing of Appeals from the Plantations on the Petition of Andrew Harris, Thomas Feild and Nathaniell Waterman, of Patuxent, in New England in America, Praying to be put in Possession of certain Lands within the said Collony and Dominion, persuant to severall Verdicts for that purpose, with which the Governm[t] of Rhode island, within whose Juresdiction the

said Lands are lying, doe refuse to comply; Which having been taken into Consideration; Her Ma:ty in Councill is pleased to approve of the said Report, And accordingly to Order, that Copies of the said Petition, and papers therewith exhibited, relateing to this Cause, be transmitted to the Govr and Majistrates of Rhode Island, who are hereby required to return their Answer thereunto by the first conveniency, together with their reasons, why the Petrs have not been put into the possession of the said Lands according to the afore said Verdicts; And thereupon this Buisness be heard, at this Board the first Councill day in Novembr next. Whereof as well the said Govr and Majistrates of Rhode Island, as also the Parties to the said Suit, together with the Persons in possession of the said Lands, and all others concerned, are to have due notice and are hereby required not to fail of giveing their attendance at the same time, either by them selves or their Representatives or Agents as they shall think fitt.*

Chris: Musgrave

[Harris Papers, p. 99.]

131

Deposition of Hopkins, 10 June, 1706.

Endorsed: — To Prove Smith went not to Mashantatuck as he Pretended &c See Joseph Williams s Testimony

The 4th day of December 1679

I William Hopkins one of her Majestys Assistants for Providence in the Colony of Rhod Island & Providence Plantations being Comanded by John Smith Marshall to go with him to give William Harris Thomas ffeild & Nathaniel Waterman Possession of Certaine lands that they Recovered of Roger Burlingham John Harrod & Thomas Relph at a speciall Court held at Providence Octobr the 3d 1677. I went with him to a Place where one Ephraim Carpenter had lived & the sd Smith

*For Rhode Island's answer to this order, see *R. I. Col. Rec.*, iii: 559.

bid me stay there untill he went & Warned William Harris & his partners to meet him & take Possession of their lands sued for & then he would Come & Call me to go with him & when the said Smith Returned he told me that he would go to Mashantatuck a Place so Called in Pautuxet lands where the said Harrod Burlīgham & Relph had lived. the Place where he was to serve the Execution & bid me stay till William Harris & his partners came & then to Conduct them to him, for he said that the said Harris & Partners Promised to Come thether to the s^{d} Ephraim Carpenters. & my self and one John Arnold stayed there untill sunsett but neither the said Harris nor his partners Came to us, & the said Smith & some others that were with him went from us out of sight of the Place where we was it being thick wood but I heard them all the time that I stayed there & I Judge that they were not above a quarter of a Mile from us & the Place Called Mashantatuck where we was to serve Execution was at least three miles from that Place And I further Testifye that Roger Burlingham & the successors of John Harrod & Thomas Relph keepe the said land still in Possession

And this I declare to be Truth as I am under oath

Witness my hand & seale this 10th day of June Anno Domony 1706 & fift yeare of the Reign of our Sovereign Lady Anne by the Grace of God Queen over England Scotland ffrance & Ireland Defender of the faith

William Hopkins assistant* [Seal]

A True Coppy of the origeonall Compared by me

Nathaniel Thomas

[Harris Papers, p. 100.]

132

Deposition of Arnold, 10 June, 1706.

Endorsed: — To Prove Smiths Sham giveing Possession.

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*William Hopkins, of Providence (1647–1723), was a surveyor.

John Arnold* aged upwards of fifty years Testifyeth That he being Comanded by John Smith Marshall to assist him in giveing William Harris & p^ners Possession of their lands sued for at a Court of Comition held at Providence October the 3^d. 1677. & being Comanded to stay at the Place where Ephraim Carpenter formerly lived to Wait for william Harris so there I stayed with William Hopkins that is Now an assistant untill sunsett & the said Smith & some that were with him went a little distance from us: I was not sensible that they were above a quarter of a Mile from us all the Time we stayed there, according to my hearing, which Place was severall Miles from Meshantatuck the Place where John Harrods house formerly stood where William Harris demanded to have Possession given.

June the 10^th 1706 Taken upon Ingagment before me
Phillip Tillinghast Justice of the Peace

A True Coppy of the origeonall Compared by me
Nathaniel Thomas

[Harris Papers, p. 109.]

133

Pawtuxet Proprietors' appointment of Agent, 12 June, 1706.

Whereas upon the Petition of us Andrew Harris Thomas ffeild & Nathaniel Waterman of Pautuxet in the Colony of Rhod Island & Providence Plantations in New England Praying to be put into Possession of Certaine lands of & at Pautuxet afores^d Pursuant to severall verdicts for that Purpose. The Queens Most Excelent Majesty in Councill was Pleased to order that bussiness to be heard at St. James s the first Councill day in November next

Wee the said Petitioners Have & Do Hereby Desire Authorise & Impower John Chamberlaine* of Pette ffrance

*John Arnold, of Providence (1648–1723).

Westminster Esq^{r} as our Agent to appeare & Manage the said bussiness Case & Cases for us & our partners from time to time as occassion may Require Ratifying allowing & Confirming all & whatsoever our s^{d} Agent shall lawfully do or Cause to be done in about or Concerning the p^{r}mises In Witness wherof Wee have hereunto set our hands and seals the twelth day of June 1706.

Signed sealed & Delivered
in p^{r}sence of us
Joseph Otis
Henry Harris

Andrew Harris [s]
Thomas ffield [s]
Nathaniell Waterman [s]

A True Coppy

[Cushman Papers.]

134

Deposition of Wilkinson.

Endorsed: — Cap^{t} Wilkinsons Evidence of Running the Lines of Petuxett in May 1711

Sam^{ll} Wilkinson† aged sixty nine years Tesefieth that he being one of the Comittee togather with m^{r} Joseph Williams and Maj^{r} Thomas ffenner of Providence in y^{e} Colony of Rhode Island Chosen and Impowered by y^{e} proprietors of ye lands of Providence afore s^{d}, to Run y^{e} lines and fix the bounds between y^{e} lands of Providence and Lands of Pawtuxet that they the s^{d} Comittee togather with M^{r} Peleg Rhodes M,

*John Chamberlayne (1666?–1723) was a miscellaneous writer and man of affairs, a member of the Royal Society, holding various offices about the court. His house was in Petty France, now York street, Westminster. A list of documents sent over to him for use in the Pawtuxet case is among the Cushman Papers.

†Samuel Wilkinson, of Providence, who died 27 August, 1727. The date of his birth is not known, so that his age does not help to fix the date of the present document. He was frequently elected deputy, beginning in 1693.

Andrew Herris and m^r^ Thomas ffield of s^d^ Pawtuxet, did in y^e^ month of may in y^e^ year: 1711: Run y^e^ s^d^ Lines* and fix the bounds according as they had before agreed: the northwest bounds of Pawtuxet Land being a stake and heap of stones standing on y^e^ western or northwestern part of a shrub plain, which they did then supose to be in or near y^e^ Line called the seven mile Line, And that they did then Run y^e^ Deviding Line from y^e^ afore s^d^ corner Eastward to the stone at Mashapaug† a nother fixed bounds between y^e^ Lands of y^e^ proprietors of Providence and y^e^ Lands of Pawtuxet, the which Line did fall on y^e^ north side of y^e^ Dwelling place of Samuel ffisk, and on y^e^ north side of y^e^ Ceder swamp, (which lyeth westwardly from y^e^ home farm of James Mathuson) and allso Run through y^e^ neck Called auntshantick neck‡, And also this Deponant Testefieth that they did then Run y^e^ south Line from y^e^ afore s^d^ corner bounds unto warwick Line or north bounds according to their greement, and did mark the trees that did stand in y^e^ s^d^ Line for the western bounds of Pawtuxet Lands, the which Line did fall on y^e^ west side of y^e^ s^d^ Dwelling place of Samuel ffisk Leveing it within Pawtuxet Land: And did Run near y^e^ then Dwelling house of James Thornton some few poles distant on ye East side of said house and so Run through some Land which s^d^ Thornton had then fenced in Southeastwardly from s^d^ house Leveing some part on y^e^ East side of said Line, and within Pawtuxet Lands.

[Cushman Papers.]

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*The committee's report, drawn up February 11, 1712, is in *Prov. Rec.*, xvii: 284. For an account of the running of this line, see under "Dividing Line" in the List of Seventeenth^e^ Century Place-Names. There are several documents in the Fenner Papers in the City Hall which give the details of surveys in running this line and the seven-mile line. (See Fenner Papers, nos. 16816, 16877, 16887, 16975.)

†A document in the Fenner Papers (no. 16816) shows that this marked stone was 260 poles north of the marked tree at Mashapaug, which in turn was one mile and 44 poles north of the Pawtuxet river.

‡Antashantuck was the neck of land between Antashantuck pond (now Randall's pond) and the northern bend of the Pocasset river.

LIST

OF

SEVENTEENTH CENTURY

PLACE-NAMES

IN

PROVIDENCE PLANTATIONS

1636–1700

PREFATORY NOTE.

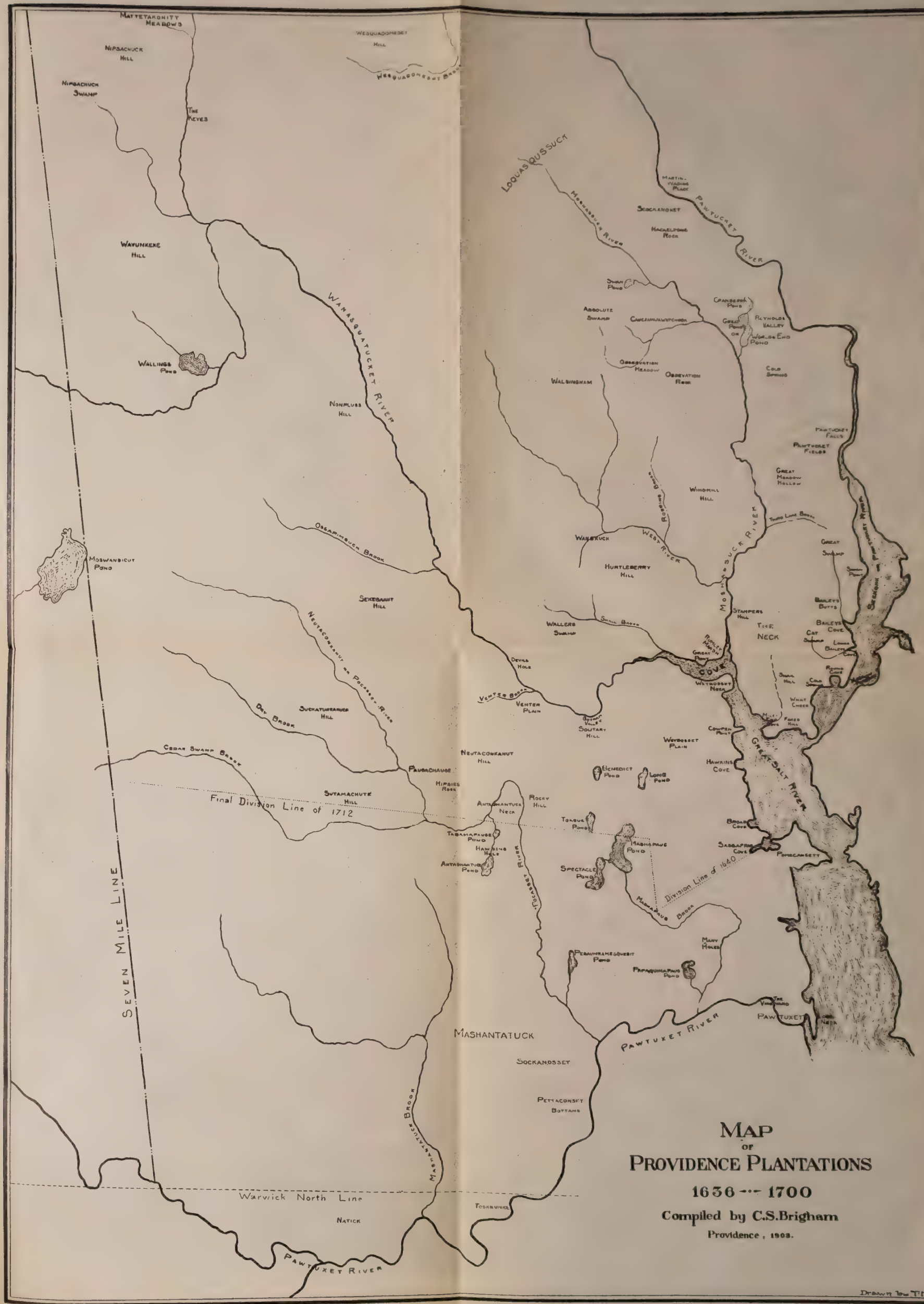
In the following alphabetical index and accompanying map the attempt is made to locate every place-name mentioned in the Providence records before 1700 and included within the original town of Providence as granted by the Indians to the early colonists, i. e., the territory between the Pawtuxet River and the Blackstone River. A concise description is given of each name in order that it may be located on a modern map. In the case of those names which are still in use, the modern spelling has been generally adopted, with note of the fact if the early spelling is greatly at variance with that of the present day. In calculating distances given in early surveys it should be remembered that the surveyors used both the 16 and the 18 foot pole, and that consequently a distance can often only be approximated. It should also be borne in mind that the magnetic north of the latter part of the 17th century varied about 12° west of the true astronomical north used on the recent government maps and on many modern surveys.

The references, which are chiefly to the printed volumes of Providence Records, are given merely to show early or suggestive usage of a name. The references to manuscript sources are in most cases self-explanatory. The early manuscripts in the City Hall have been of great service, especially the Fenner Papers and the long series of Providence Town Papers in the office of the Clerk of the Municipal Court, the volumes of deeds and the plat cards in the Deed Office, and the two folio volumes of early Plats of Highways in the custody of the City Clerk. In the library of the Rhode Island Historical Society the Field Papers, the Fenner Papers and the Rhode Island Historical Society Manuscripts have been particularly serviceable. The frequent references to the Harris Papers are to the printed volume. The following maps and atlases have been of especial value: C. Harris, Map of the State of Rhode Island, 1795; B. Lockwood & S. B. Cushing, Map of the City of Providence and Town of North

Providence, 1835; J. Stevens, Topographical Map of the State of Rhode Island, 1831; H. F. Walling, Map of the State of Rhode Island, 1862; D. G. Beers, Atlas of the State of Rhode Island, 1870; G. M. Hopkins, Atlas of the City of Providence and Environs, 1882; United States Geological Survey, Topographical Atlas of the State of Rhode Island, 1891; Everts & Richards, New Topographical Atlas of Surveys, Providence County, 1895.

In the preparation of this index, the compiler has gathered a large collection of miscellaneous references gleaned from deeds, wills and town proceedings, relating both to the 17th century place-names included in the list and also to many 18th century place-names. This material is to be kept in the library of the Historical Society, where it may be of service to the student of local history. The indebtedness of the compiler to Mr. Edward Field, Mr. William G. Brennen, and Mr. Welcome A. Greene for courtesies extended to him in the work of preparation is hereby gratefully acknowledged.

CLARENCE S. BRIGHAM.


Mattetakonity Meadows
Nipsachuck Hill
Nipsachuck Swamp
The Keyes
Wesquadomesset Hill
Wesquadomesset Brook
Wayunkeke Hill
Wallings Pond
Wanasquatucket River
Nonpluss Hill
Moswansicut Pond
Obsapimsuck Brook
Sekesannit Hill
Neutaconkanut or Pocasset River
Dry Brook
Sucnatuxsanuck Hill
Cedar Swamp Brook
Pausachause
Hipsies Ross
Sutamachute Hill
Final Division Line of 1712
Seven Mile Line
Warwick North Line
Natick
Pawtuxet River
Loquas Russuck
Moshassuck River
Martin-wading Place
Sockanoket
Hackelpome Rock
Pawtucket River
Swan Pond
Absolute Swamp
Cawcawmawtchuck
Cranberry Pond
Great Pond or Worlds End Pond
Reynolds Valley
Cold Springs
Observation Meadow
Observation Rock
Walsingham
Pawtucket Falls
Pawtucket Fields
Great Meadow Hollow
Windmill Hill
Third Line Brook
Great Swamp
Waterman Pond
Seekonk or Pawtucket River
Hurtleberry Hill
Wanskuck
West River
Stampers Hill
Tiverneck
Bayleys Butts
Bayleys Cove
Cat Swamp
Round Cove
Wallers Swamp
Small Brook
Devils Hole
Great Meadow
Cove
Weybosset Neck
Shaw Hill
What Cheer
Venter Brook
Venter Plain
Quttamut Valley
Solitary Hill
Fones Hill
Weybosset Plain
Hawkins Cove
Great Salt River
Benedict Pond
Long Pond
Neutaconkanut Hill
Rocky Hill
Antashantuck Neck
Tongue Pond
Broad Cove
Sassafras Cove
Pomegansett
Mashapaug Pond
Spectacle Pond
Division Line of 1640
Mashapaug Brook
Hawkins Neck
Antashantuck Pond
Tabamapauge Pond
Toskeset River
Mary Holes
Pessumsamesquesit Pond
Pessumsamesquesit Pond
The Vineyard
Pawtuxet
Mashantatuck
Sockanosset
Pettaconsett Bottoms
Massatuck Brook
Toskbunkie
Pawtuxet River
Map
of
Providence Plantations
1636 --- 1700
Compiled by C.S.Brigham
Providence, 1903.
Drawn by T.M.P.

LIST OF NAMES.

ABSOLUTE SWAMP. An original boundary of Providence and undoubtedly the swamp northwest of the present Olney's Pond and southeast of the junction of the Louisquisset Pike and the so-called Breakneck Road, in the town of Lincoln. (*P. R.* ii : 73 ; iii : 243 ; and Fenner Papers no. 17717 in City Hall.)

ANTASHANTUCK. The neck of land in the bend of the Pocasset River, east of the present Randall's Pond in the town of Cranston. Antashantuck Pond was the present Randall's Pond. (*P. R.* 4 : 68 ; viii : 72 ; and plat in Fenner Papers, p. 43, in R. I. Hist. Soc.)

ASCOCANOXSUCK. The single mention of this locality in 1667 gives no clue as to its location. (*P. R.* i : 36.)

ASSOPUMSETT BROOK. See Ossapimsuck Brook.

BAILEYS BUTTS. Two little hills formerly located on the western side of the present Grotto Brook running into Baileys Cove, and probably on either side of the present Blackstone Boulevard near Magellan street. (*P. R.* iii : 76, 188, and Lockwood Map of 1835. These may be the two little hills shown on Hayward's *Plan of the Proposed Survey of the Boston and Providence Railway*, 1828.)

BAILEYS COVE. The cove at the southeast end of the Butler Hospital grounds into which the present Grotto Brook runs. It was also called Baileys Further Cove or Upper Cove. Baileys Hither Cove or Lower Cove was about one-sixth of a mile further south, where the brook from Cat Swamp empties into the Seekonk River. (*P. R.* i : 84 ; ii : 36, 106 ; iv : 144 ; viii : 73 ; and Lockwood Map of 1835.)

Benedicts Pond. Mentioned in the records as early as 1659, being practically in the same location as it is at the present time — south of the junction of Union avenue and Wadsworth street. (*P. R.* i : 99, and Hopkins 1882 Atlas.)

Bewits Brow. This locality, one of the original boundaries of Providence lands, was on the west side of the Moshassuck River. The order in which it is listed in the "Sovereign Plaister" would seem to place it somewhere near the present Saylesville, but a careful study of early deeds places it a mile south of where the Moshassuck River bends toward the west at the upper end of the North Burial Ground. According to 18th century tradition the brow of land formerly southwest of the present junction of Charles and Hawes streets was called Bewits Brow. (*P. R.* ii : 18, 19, 73; iii : 243; and *Harris Papers*, p. 92.)

Blackstone River. In the 17th century almost invariably called the Pawtucket River. A rare instance of the present name is in *Harris Papers*, p. 171.

Broad Cove. The present Burgess Cove, north of Fields Point. (*P. R.* ii : 32; vi : 37.)

Cat Swamp. Mentioned in the records as early as 1669, although of somewhat larger extent than its present area. (*P. R.* iii : 118, and Lockwood Map of 1835.)

Caucaunjawatchuck. A tract of land directly northeast of the present Olneys Pond in the town of Lincoln. (*P. R.* i : 34; v : 87; xi : 139; and Plat Card 385 in City Hall.)

Cedar Swamp Brook. The "brook from the cedar swamp flowing into Neutaconkanut river" is mentioned frequently in the early records. Identical with the present Cedar Swamp Brook in the town of Johnston. (*P. R.* viii : 72, 81; xiv : 100, 220.)

CHAPOMPAMISKOCK. A large tract of land extending southeast from the present Chopmist Hill in the northwest corner of Scituate. The name was also applied to the hill itself. (*P. R.* viii: 138; xii: 68; xvi: 322.)

COLD SPRING. The only apparent mention of the locality of this name near Red Bridge in the early records is in 1681, where the place spoken of is undoubtedly identical with the Cold Spring situated at the extreme eastern end of East Manning street. (*P. R.* viii: 91 and Plat Cards 112 and 125 in City Hall.) Another locality called Cold Spring was southeast of Scotts Pond, being situated near the present corner of Lonsdale avenue and Crossman street in the city of Central Falls. (*P. R.* ix: 16; xiv: 16; and Walling Map of 1862.)

COVE. "The Cove" or great body of water formed by the joining of the Woonasquatucket and Moshassuck Rivers, as is shown on all the early maps of Providence, was so called as early as 1671. (*P. R.* iii: 214; v: 199, 227.)

COWPEN POINT. A point jutting into the Providence River at the present corner of Point and Eddy streets. Appears on the Anthony Map of 1803. (*P. R.* ii: 103; viii: 69.)

CRANBERRY POND. That part of the present Scotts Pond, in the town of Lincoln, which was known as Cranberry Pond before the construction of the Blackstone Canal, and which to-day is sometimes called Floating Island Pond. (*P. R.* iii: 163; xiv: 13–16; and Stevens Map of 1831.)

CROOKFALL BROOK. This brook, the present boundary between Lincoln and North Smithfield, was so called as early as 1683. It was more often, however, termed the Wesquadomeset. (*P. R.* iv: 143; xiv: 194; xvii: 20.)

DEVILS HOLE. A deep hole on the west side of the Woonasquatucket River, near the present village of Dyer-

ville. (*P. R.* v: 97, 139; xi: 181; xiv: 152; and MS. Deeds, iv: 187, in City Hall.)

Dirty Cove. See Hawkins Cove.

Dividing Line between Providence and Pawtuxet lands. The attempt is here made to summarize the various details of action regarding this line, from 1640 until its final settlement in 1712.

The line from Sassafras Cove to the tree at Mashapaug and thence between the Pawtuxet and Woonasquatucket rivers "of an even distance" was agreed upon July 27, 1640 (*P. R.* xv: 2, 76). It was apparently run out by the Pawtuxet men in 1659 (xv: 76) and by a joint committee sometime between 1661 and 1665 (xvii: 215; *Harris Papers*, p. 256). In 1660 the Town of Providence voted that they would own the line to extend equally between the two rivers for twenty miles, which vote, as later testimony shows, was procured at a "packed" meeting (*P. R.* ii: 125; and Fenner Papers no. 16675 in City Hall). On April 27, 1661, a joint committee was appointed to extend the line beyond Mashapaug (*P. R.* iii: 2). This line, however, as Harris shows in his account of the survey, was run much too far north, to Hipses Rock (*Harris Papers*, p. 256). A joint committee appointed in 1665 to extend the line correctly beyond Mashapaug never accomplished anything (*P. R.* iii: 61; xvii: 245). In 1669 the committee of 1661 reported that they had run the line from Sassafras Cove to Mashapaug, thence north to a point midway between the two rivers, thence west to a point near the Pocasset River, which report was accepted by the Town (iii: 136; xvii: 215).

The subject of the dividing line rested until Harris obtained his order from the Court, November 24, 1677, requiring Providence to run a direct line from the head of the Woonasquatucket River to the Pawtuxet River, and then a line equi-distant between the two rivers to this thwart line (viii: 46; xv: 174). Providence immediately appointed a committee (viii: 21), but endeavored to shorten the Pawtuxet territory

by running a thwart line from the head of the Woonasquatucket River to a point on the Pawtuxet River near its mouth (viii : 28, 31 ; *Harris Papers*, p. 238 ; and map in Rider's *Hist. Tract*, ser. 2, no. 4, p. 100). Although the Court disapproved of this method of running the thwart line and an order was obtained from the King requiring a true execution of the verdicts, yet the death of Harris, in 1681, removed the leader of the Pawtuxet men from the field, and on January 16, 1683, a joint committee agreed that the western boundary of the Pawtuxet territory should be the seven-mile line, and that the northern boundary should be a line running from a center point on a head line through the tree at Mashapaug to a point on the seven-mile line midway between the Woonasquatucket River and the Warwick north line (*P. R.* iv : 73), which was practically an equi-distant line between the two rivers. Providence approved of this report and ordered the lines to be run without delay (viii : 130). Yet, although this order was renewed in 1698 and in 1706 (xi : 43, 105) and was made the subject of numerous petitions from the Pawtuxet men (xvii : 230–274), it was not until May 14, 1711, that the line was finally run by a joint committee. This line ran from a marked stone at Mashapaug west 14° north to the seven-mile line, and from that point due south to the Warwick line (xvii : 282). Its more specific boundaries are given in the *Harris Papers*, p. 371. The committee's report was drawn up on February 11, 1712, and recorded, marked "accepted," on March 3, 1712 (xvii : 284.)

Dry Brook. Situated in the town of Johnston and still so called. (*P. R.* v : 180.) The present reservoirs on the brook, however, are of comparatively recent construction.

Foxes Hill. Appears in the records as early as 1644. The hill, which has been mostly cut away, extended between the present South Main and Ann streets as far south as India street, the highest point being near the present corner of Brook and Tockwotton streets. (*P. R.* ii : 5, and engraving on Anthony Map of 1823.)

GOTHAM VALLEY. A valley, formerly so called, located south of the southern bend of the Woonasquatucket River near the present junction of the Hartford and Plainfield roads. (*P. R.* i: 8; xiv: 168.)

GREAT MEADOW HOLLOW. A valley, mentioned frequently in the early records, directly south of the present junction of Lonsdale avenue and Main street, in Pawtucket. It appears on the Lockwood Map of 1835, where it is called Meadow Hollow. The Great Meadow itself lay on the Moshassuck River to the west of the Hollow. (*P. R.* ii: 7; iii: 98; xi: 165; xiv: 162.)

GREAT POINT. A hilly point on the northern side of the old Cove, being practically at the present junction of Gaspee street and Kinsley avenue. (*P. R.* ii: 36; iii: 175; and Lockwood Map of 1835.)

GREAT POND. That part of the present Scotts Pond in the town of Lincoln which was known as Scotts Pond before the Blackstone Canal was built. (*P. R.* ix: 16; xiv: 16.) Earlier known as Worlds End Pond.

GREAT SWAMP. A large swamp, much of which still remains, extending north from Cypress street, between East avenue and the Swan Point road, nearly as far as Pidge avenue. It had four "openings," the first of which was at Cypress street and the second at Rochambeau avenue. (*P. R.* ii: 16; viii: 149.) Its location is well shown on the Lockwood Map of 1835.

HACKELTONS ROCK. The original name of Dexters Lime Rocks, in the town of Lincoln. (*P. R.* iii: 8, 66, 229, 241, and *Dexter Genealogy*, pp. 14, 26.)

HAWKINS COVE. A cove, the general outline of which can still be seen, at the eastern end of the present Blackstone

street. It was also called Muddy Cove and Dirty Cove. (*P. R.* xiv: 110; Providence MS. Deeds, iv: 237; and Plat Card 66 in City Hall.) It appears on many of the early Providence maps and was formerly the eastern bound of the Providence-Cranston line. (See Cushing & Walling Map of 1849.)

Hawkins Hole. A swampy place at the northeastern end of the present Randalls pond, in the town of Cranston. (*P. R.* iv: 62, 68; v: 137; and plat in Fenner Papers, p. 43, in R. I. Hist. Society.)

Hipses Rock. Undoubtedly the high rock still standing in the three-cornered tract bounded by the old Plainfield road, the Morgans Mills road and the Pocasset River. (*P. R.* ii: 73; iii: 61; xiv: 26; *Harris Papers*, p. 256; and plat of the "Wise Farm" in the Fenner Papers, p. 11, in the R. I. Hist. Society.)

Hunters Rock. The single mention of this locality in 1686 gives little clue as to where it was situated. (*P. R.* xiv: 227.)

Hurtleberry Hill. The hill, the highest part of which is near the present corner of Eaton and Hillwood streets, that is now called Bradley Hill. (*P.* R. iii: 88; viii: 158; and Plat Cards 118, 377, in City Hall.)

Joshuas Swamp. A swamp mentioned in the account of Samuel Winsor's estate, in 1687, and probably situated on Small Brook, directly north of the present Chalkstone avenue. (*P. R.* xiv: 41; xvii: 54, 97; and Plat Card 118 in City Hall.)

Keyes. A clump of pines on the eastern side of the northern branch of the Woonasquatucket River, and near the present dividing line between North Smithfield and Smithfield. This branch was occasionally called the Nipsachuck

River. This statement corrects the note on p. 103, *infra*. (*P. R.* iii: 244; iv: 151; v: 106; *Harris Papers*, pp. 102–104; and Plat Card 385 in City Hall.)

Little Flood. See Rumley Marsh.

Long Cove. See Sassafras Cove.

Long Craft. A small meadow on the Pocasset River, in the vicinity of Neutaconkanut Hill. Its exact location cannot be identified. (*P. R.* ii: 124, 126; and Fenner Papers, no. 17760, in City Hall.)

Long Neck. The neck, still often so called, extending north and south, to the east of the cove at Pawtuxet. It was also called the Little Neck. (*P. R.* v: 55, 57; xv: 95; and Hopkins Atlas of 1882.) On a plat of 1661, in the R. I. Hist. Soc. MSS., v: 11, this neck is marked Washouset Point.

Long Pond. Mentioned in the records as early as 1661, being in the same location as it was until recent years,—west of Elmwood avenue and between Daboll and Cromwell streets. *P. R.* i: 54, 95, and 1882 Atlas.)

Loquasqussuck. A tract of wooded country comprising practically the northern two-thirds of the present town of Lincoln. Mentioned as early as 1646. (*P. R.* iii: 26, 245; v: 108; and *R. I. Col. Rec.* i: 32.) Now spelled Louisquisset.

Mameawequate. Apparently a boundary of the Mashantatuck purchase. (*Harris Papers*, p. 63.)

Many Holes. A boggy meadow on the west side of Mashapaug Brook, a few hundred feet north of the present Park avenue. (*P. R.* ii: 13; v: 62; xiv: 268; xvi: 334; and plat in Field Papers, p. 84, in R. I. Hist. Society.) The Cun-

liffs Pond of to-day is chiefly artificial, being merely an enlargement of Mashapaug Brook. (See the Stevens Map of 1831 and plat in Riders' *Hist. Tract*, ser. 2, no. 4, p. 100.)

MARTINS WADING PLACE. A ford on the Blackstone River, a little south of the present village of Ashton, and about 100 feet north of the present Berkeley bridge. (*P. R.* ii: 86; *Wilkinson Genealogy*, pp. 53–54; and Walling Map of 1862.)

MASHACKQUNT. A tract of land beyond Wesquadomeset. (*P. R.* v: 283.)

MASHANTATUCK. A tract of land, comprising about 4000 acres, purchased of the Indians in 1662. The Indian boundaries are so indefinite that it is difficult to tell how far the purchase extended beyond Mashantatuck Brook, but in general its boundaries may be said to be the Pocasset River on the east, the Pawtuxet on the south, the Mashantatuck on the west and the Providence-Pawtuxet dividing line on the north. The locality was also occasionally called Paquabuck. (*P. R.* vi: 197; xiv: 290; *R. I. Col. Rec.* i: 483; and *Harris Papers*, pp. 62, 64, 69.) The name to-day, as it is given to the brook, is spelled Meshanticut.

MASHAPAUG. A tract of meadow land about half a mile southeast of Mashapaug Pond. The locality was an original boundary of the town of Providence and in the earliest days a pathway led to it. (*P. R.* i: 13; iv: 71, 135; v: 60; xiv: 199; xv: 2, 21.) Mashapaug Pond.—Identical with the present pond of the same name, although of somewhat smaller extent; mentioned in the records as early as 1645. (*P. R.* v: 61; vi: 141; xv: 74.) Mashapaug Brook.—The outlet from Mashapaug Pond to the Pawtuxet River. The present Park lakes and Cunliffs Pond have been chiefly constructed by damming this brook. (*P. R.* i: 45, 94; vi: 205; and Stevens Map of 1831.)

MASKATAQUATT. An Indian locality mentioned apparently as the southwestern boundary of the Mashantatuck purchase. (*Harris Papers*, pp. 63, 64.)

MATTETAKONITT MEADOWS. The meadows on the northwestern branch of the Woonasquatucket River and directly northwest of the present village of Primrose in the town of North Smithfield. Occasionally called the Mattity Meadows and to-day known as Mattity Swamp. (*P. R.* viii: 139; xiv: 114; and Plat Card 385 in City Hall.)

MILE END COVE. A cove formerly on the east side of the Providence River, where Link street is now located. After 1700 it was occasionally called Wickendens Cove. The brook that followed the course of the present Brook street, and turning west flowed into the cove, was called Mile End Cove Brook. (*P. R.* i: 4; ii: 5; xvii: 280; Hopkins' *Home-Lots*, p. 60; and plat of 1707 in *Steere Genealogy*, p. 193.)

MILL RIVER. A name given to the Moshassuck River for a short distance above the present Mill street. (*P. R.* vii: 50; xi: 148; and folio Plat Book, i: 7, in City Clerk's office.)

MISHOASAKIT. The name of an Indian locality apparently bounded on the north by Wayunkeke, on the east by Secesakutt and extending westward seven miles. As a pond, the name might apply to either the present Spragues or Watermans reservoir. (*P. R.* v: 284–286.)

MOSHASSUCK RIVER. Same as the present river of that name; an original boundary of Providence. In the town deed, Moshassuck is used as a name synonymous with Providence. (*P. R.* iv: 71; v: 296; and Roger Williams' Letters in *Narr. Club Publications*, vi: 263.)

MOSWANSICUT. First mentioned as a locality in 1660 and as a pond in 1665—the same as the present pond in the north-

eastern corner of Scituate. The lands about here were divided in 1684. (*P. R.* ii: 134; iii: 68; viii: 138; and plat in R. I. Hist. Soc. MSS., vii: 11, 12.)

MUDDY COVE. See Hawkins Cove.

MUSHATTCHUCKAPEAKE. An Indian ground, which it is impossible to identify with any modern locality. It was, however, evidently near Mashapaug Brook, in the vicinity of Francis Weston's house. (*P. R.* xv: 101; and map in Rider's *Hist. Tract*, ser. 2, no. 4, p. 100.)

NANIPSICK POND. A pond mentioned in the boundaries of the Indian tract Mishoasakit. It seems impossible to identify it with any modern body of water. (*P. R.* v: 284.)

NARROW PASSAGE. A narrow place in the Seekonk River, directly south of the present Red, or Central, Bridge. Andrew Edmunds kept a ferry here during the latter part of the 17th century. (*P. R.* iii: 48; viii: 44; xiv: 124, 237; and folio Plat Book, ii: 1, in City Clerk's office.)

NATICK. A tract of land, generally spelled Nachick, the boundaries of which, according to its division in 1673, were the Pawtuxet River, the Mashantatuck Brook, the Warwick north line, and the vicinity of the present village of Arkwright. The hill standing in this tract was called Nachick Hill. (*Harris Papers*, pp. 61, 303; Fuller's *Hist. of Warwick*, p. 206; and map in Rider's *Hist. Tract*, ser. 2, no. 4, p. 100.)

NECK. "The Neck" was the land between the Moshassuck and Seekonk rivers, and extending on the north somewhat beyond the present line between Providence and Pawtucket. Mentioned in the records as early as 1642. (*P. R.* i: 110; ii: 1; and MS. Town Papers, 01291.)

NEUTACONKANUT. The name of a hill in the present town

of Johnston, generally spelled Neotaconkonitt in the early records. One of the original boundaries of Providence (*P. R.* iv: 71; v: 296; and *Harris Papers*, p. 55.) The name was also given to the Pocasset River above the southern end of Neutaconkanut Hill. (*P. R.* iv: 38; viii: 71.)

Nipsachuck. A hill, in the present southwestern corner of North Smithfield, that was a western boundary of the first Inman purchase of 1666. The name was also applied to the river flowing down by the Keyes (*q. v.*), to the locality around the hill and to the swamp southwest of the hill. (*P. R.* iv: 184; v: 65; *Narr. Hist. Register*, vi: 49, 62; and Stevens Map of 1831.)

Nonpluss Hill. A small hill directly northwest of the present village of Enfield, in the town of Smithfield. It may be said to correspond with the southern end of Wolf Hill, although this latter name was used as early, at least, as 1726. (*P. R.* iv: 54; v: 28; xi: 16; xiv: 226.)

Observation. As a hill, the name applied to the present Stump Hill in the southern part of the town of Lincoln. Observation Rock was a high, peaked rock standing on top of the hill before the construction of the reservoir. (*P. R.* ii: 73; viii: 101.) Observation Meadow was a tract of meadow land now overflowed and known as Olneys Pond. The brook running through it to the Moshassuck River was known as Observation Run. (*P. R.* i: 44; ii: 19; xvi: 223.)

Ossapimsuck Brook. A brook in the present town of Johnston, running easterly into the Woonasquatucket River between Allendale and Lymansville. Also called Assopumsett. (*P. R.* v: 117, 134; xiv: 225; xvi: 259; and Harris Map of 1795.)

Oxford. An original boundary of the town of Providence, which it is impossible to identify with any modern locality.

Judging from the order in which it is listed in the original boundaries, it was probably a ford on the Woonasquatucket River about six miles from Providence. (*P. R.* ii : 73 ; *Harris Papers*, p. 92.)

PAMECHIPSK. A ridge of hills forming the eastern boundary of the Indian tract Wayunkeke, and undoubtedly the range extending north and south through the center of the present town of Smithfield. (*P. R.* v : 285.)

PAPAQUINAPAUG. The present Fenners Pond in the town of Cranston. The neighboring region was also called Papaquinapaug, as was the brook running out of the pond. Mashapaug Brook, near its southern end, seems to have been sometimes termed Papaquinapaug Brook. (*P. R.* i : 45, 80 ; vi : 201 ; *Harris Papers*, pp. 57, 258 ; plat reproduced in Rider's *Hist. Tract*, ser. 2, no. 4, p. 100 ; and plat in Field Papers, p. 84, in R. I. Hist. Soc.)

PAQUABUCK. A name occasionally applied to Mashantatuck. (*P. R.* xv : 87 ; *Harris Papers*, pp. 62, 69.)

PAUGACHAUGE. An Indian field on the eastern side of the Neutaconkanut or Pocasset River, directly south of where Dry Brook flows in. (*P. R.* v : 53, 319 ; xiv : 39.)

PAUGEAMAPAUGE POND. Apparently another name for Tabamapauge Pond, *q. v.* (*P. R.* iv : 136 ; v : 38, 137.)

PAWTUCKET. The name, Pawtucket River, an original boundary of Providence, was used interchangeably with the name Seekonk River for that part of the stream between Pawtucket and the present India Point, as well as for that part of the present Providence River south of India Point. The name was also invariably applied to the river north of Pawtucket, now called the Blackstone River. Pawtucket Fields, also an original Providence boundary, were on the western

side of the river and south of Pawtucket Falls. (*P. R.* ii: 129; iv: 71; v: 224; xiv: 112, 194.)

Pawtuxet. An original boundary of Providence and a name given then, as now, to the locality, the falls and the river. Also in one or two cases called Pootatugock. (*P. R.* iv: 18, 71; xiv: 64. There is an early plat of the lands north of Pawtuxet reproduced in Rider's *Hist. Tract*, ser. 2, no. 4, p. 100, and a hitherto unnoticed plat of 1661 of the lands south of the river in R. I. Hist. Soc. MSS., v: 11.)

Pesaumkamesquesit Pond. The present Blackmore Pond in the town of Cranston. The magnetic meridan line of 1664, run due north from the mouth of the Pocasset River to the Neutaconkanut road, could have passed only through Blackmore Pond. This corrects the footnote on p. 73. (See *Harris Papers*, p. 73, and 1895 Atlas.

Pettaconset. The meadow, or bottom, land on the north side of the Pawtuxet River, where the present pumping station is located. (*P. R.* vii: 199; xiv: opp. p. iv; xvii: 289; and *Harris Papers*, p. 62.)

Pocasset River. Mentioned in the records as early as 1652, but generally spelled Pauchasett. It was invariably called the Neotaconkonitt above the bend south of the hill. (*P. R.* ii: 12; viii: 71.)

Pomecansett. The neck of land between the present Fields Point and Sassafras Point. Also spelled Pumgansett. One reference, however, in the early records seems to locate this region nearly two miles further south than Fields Point. (*P. R.* iii: 7; xiv: 146, 212; xv: 101.)

Ponagansett Pond. The present Ponagansett Reservoir in the town of Glocester, being the extreme headwaters of the Pawtuxet River. The name, generally spelled Punhungan-

sett, was also applied to the locality about the pond and to the stream which joined with the Moswansicut River at South Scituate to form the northern branch of the Pawtuxet River. (*P. R.* iv: 43; xv: 87; xvii: 230, 262; and *Harris Papers*, pp. 188, 212, 220.)

Poor Man's Plain. A name occasionally applied to Venter Plain, *q. v.* (*P. R.* iii: 89; and MS. Deed Book, xiv: 283, in City Hall.)

Providence. The name first occurs in the records in the original Indian deed. (*P. R.* iv: 70.) Roger Williams often called it New Providence in his earliest letters. The Providence River, from Pawtuxet as far north as the Cove, was invariably called the "salt river" or the "great salt river" before 1700; the earliest date that the present name occurs in the records is 1705. (*P. R.* iv: 19; ix: 14; xvii: 198.)

Quttonckanitnuing. The northern boundary of Wayunkeke; not identifiable with any modern locality. (*P. R.* v: 285.)

Reynolds Valley. That part of the Blackstone Valley between the present Scotts Pond and the Blackstone River, in the town of Lincoln. (*P. R.* ii: 7; xiv: 10–16.)

Robbins Brook. The brook flowing down by the western side of Windmill Hill to the West River—now a series of ponds, Randall's Pond, Upper and Lower Canada ponds, and Lincoln's Pond. (*P. R.* v: 15; viii: 151.)

Rocky Hill. A hill, still so called, in the town of Cranston, east of the present Print Works pond; mentioned in the records as early as 1659. (*P. R.* i: 97; iii: 169; xiv: 128.)

Round Cove. A cove chiefly of thatch grass, of about six acres, which was formerly located directly west of the

present East River street at Red Bridge, and extending northerly to Medway street. (*P. R.* iv: 192; v: 222; xiv: 279; Plat Card 125; and plat in Fenner Papers no. 17030 in City Hall; and Lockwood Map of 1835.)

Rumley Marsh. A little marsh, also called "Rumney Marsh on the Little Flood" bordering on the northeast corner of the Cove and directly north of the island later known as Whipple's Island. The location of this island, also called Little Island and Grassey Island, is well shown on the Anthony Map of 1823 and in folio Plat Book, ii: page 1, in City Clerk's office. (*P. R.* ii: 4, 21, 56; v: 227; xiv: 9; Hopkins' *Home Lots*, p. 69; and Prov. MS. Town Papers, no. 0048199, in City Hall.)

Sassafras Cove. A cove, generally spelled Saxafrax in the early records, corresponding to the present Corliss Cove at Sassafras Point. Also called Long Cove, occasionally in the 17th century and generally in the 18th century. (*P. R.* xiv: 146; xv: 2; and plat in Field Papers, p. 20, in the R. I. Hist. Soc.)

Scockanoxet. The region around Hackletons Lime Rocks—the present Dexters Lime Rocks—a little southeast of the village of Lime Rock in the town of Lincoln. (*P. R.* iii: 66, 229, 241; xvii: 295; and *Dexter Genealogy*, pp. 14, 22.) The brook flowing from the Lime Rocks to the Blackstone river was called Scockonoxet Brook. (MS. Deeds, v: 294, in City Hall.)

Seekonk River. Generally spelled Seaconke, mentioned in the records as early as 1650, and often called the Pawtucket River. (*P. R.* ii: 10; v: 283; xvii: 155.)

Sekesakut Hill. A hill, formerly so called, in the town of Johnston, extending north and south, and about a mile and a half west of the present village of Lymansville. The name

was also applied to the region about the hill. (*P. R.* i : 20; iv : 130; v : 116, 132.)

Seven Mile Line. This line was established on May 14, 1660, as the bounds of the first division of proprietors lands. From a point seven miles due west from Foxes Hill, it was to run north to the Pawtucket River and south to the Pawtuxet River (*P. R.* ii : 129). On December 30, 1663, a committee was chosen to set the bound seven miles west of Foxes Hill and to run the northern extension of the line (iii : 47). The latter part of this order was renewed February 19, 1666 (ii : 69), and the line was run probably as far as the Woonasquatucket River soon thereafter. According to the Providence-Pawtuxet agreement of January 16, 1683, the southern extension of the line was to be run as far as the Warwick north line (xv : 237). Although it was ordered, on April 27, 1683, that this be done without delay (viii : 130), and although it became the subject of frequent later discussion (*P. R.* xi : 43, 105; xvii : 231, 274; and Fenner Papers, no. 16675, 16816, 16847, 16975, in City Hall) it was not until February 11, 1712, that a joint committee reported that the line had been run and the bounds set (*P. R.* xvii : 284). In the meanwhile, on January 27, 1710, it had been ordered that the line should be run out from the Woonasquatucket River northerly unto the limits of the Providence lands (xi : 141). The line which to-day forms the eastern boundary of Burrillville, Glocester and Scituate is practically the seven-mile line as it was established in 1660. The distance from Foxes Hill was evidently approximated, and not surveyed, since it amounts to slightly over eight miles. Being surveyed by a compass, moreover, the line falls about 9° west of the true astronomical north given on most modern maps.

Small Brook. The brook flowing through the present Davis Park into the Woonasquatucket River. (*P.* R. ii : 21; v : 222; Hopkins' *Home Lots*, p. 69; and Plat Card 118 in City Hall.)

Snail Hill. A hill, formerly so called, near the present

corner of Waterman and Cooke streets. A plat of the Snail Hill property drawn by Gov. Hopkins is in the Moses Brown Papers, vol. 18, no. 124a, in the R. I. Hist. Soc. (*P. R.* ii : 12, 20; and MS. Deeds, xii : 152.)

Sockanosset. The locality of the present Sockanosset Reservoir in the town of Cranston. (*P. R.* xvi : 286; *Harris Papers*, p. 207.)

Solitary Hill. A hill formerly located directly south of the present Olneyville Public Library Building at Olneyville Square. The dividing line between Providence and Johnston ran due north and south from the eastern side of this hill. (*P. R.* i : 8; xiv : 169; *R. I. Col. Rec.* vi : 194; *Steere Genealogy*, p. 180; Cushing and Walling Map of 1849.)

Spectacle Pond. Identical with the present pond of the same name in the town of Cranston; mentioned in the records as early as 1644. (*P. R.* ii : 3; iv : 141.) Spectacle Meadows lay to the west of the pond. (*Harris Papers*, pp. 55, 73, 98.) There were also Spectacle Meadows on the Branch River, near the present Burrillville-North Smithfield dividing mentioned early in the 18th century.

Stampers. A hill, formerly so called, at the present Stampers street, on the east side of the Moshassuck River. Stampers Bottoms lay at the foot of the hill, on the river. (*P. R.* ii :58, 91; iii : 75; and plat reproduced in *Steere Genealogy*, p. 36.)

Suckatunkanuck Hill. A hill directly east of the present Almy's Reservoir, in the town of Johnston. (*P. R.* iv : 24; xiv : 93; and Stevens Map of 1831.)

Sugar Loaf Hill. Mentioned in 1653 as an original boundary of the town of Providence. Judging by its order in the list then given, it must have been situated a little northwest of Pawtucket. (*P. R.* ii : 73.)

Sutamachute Hill. A hill, formerly so called, located in the town of Johnston, south of Dry Brook and directly northwest of the village of Simmonsville. Often spelled Sichamachute. (*P. R.* iii: 241; iv: 156; v: 319; xi: 77.)

Swan Point. On the Seekonk River and still so called; mentioned in the records as early as 1685. (*P. R.* viii: 149, 160.)

Swan Pond. A little pond on the west side of the Moshassuck River, directly south of the present Breakneck Road and north of Olney's Pond. In the 1895 Atlas it is called Quinsnicket Pond, and in Holbrook's *Genealogy of the Hopkins Family* (1881), p. 18, it is spoken of as Goldfish Pond. (*P. R.* ii: 107; iv: 119, 228.)

Tabamapauge Pond. The present Dyer's Pond in the town of Cranston. Sometimes called Paugeamapauge Pond and in one deed apparently confused with Antashantuck Pond. (*P. R.* iv: 136; v: 38, 137; viii: 71.)

Tarebreech Plain. The sole mention of this name before 1700 gives no hint as to its location. Perhaps the word has some connection with the 18th century Tar Bridge, at Olneyville. (*P. R.* iii: 88.)

Third Lake Brook. A brook flowing from the northern end of the Great Swamp into the Moshassuck River. Traces of it can still be seen where it enters the river at Moshassuck street in the city of Pawtucket, crossing Main street near the junction of West avenue. (*P. R.* iii: 21; xiv: 191, 208; and Hopkins Atlas of 1882.)

Tongue Pond. Mentioned in the records as early as 1659, being practically in its present location—between Fenner avenue and the railroad, and directly south of the Narragansett Brewing Company. (*P. R.* i: 98, 99; and 1895 Atlas.)

Toskeunke. The meadows on both sides of the Pawtuxet River, south of the present Warwick line and to the east of the village of Pontiac. It was affirmed that the river itself at that place was called Toskeunke, but it was apparently never so termed, except by some of the Warwick settlers. (*P. R.* iv: 161; *Harris Papers*, pp. 57, 298, 310; plats in Rider's *Hist. Tract*, ser. 2, no. 4, p. 100; and R. I. Hist. Soc. MSS. v: 11; and Warner Papers, no. 63, 75, in J. C. B. Library. The land between Pontiac and Meshanticut Brook is called Chee-Toskeunke on the plat in Rider's *Hist. Tract*, and there is occasional use of the name (See Copies of Warwick Records, p. 33, in R. I. Hist. Society).

Toyaskqut River. A river running "down to Pawtucket," mentioned in 1661 as the western boundary of Wayunkeke. Perhaps the present Tarkiln River. (*P. R.* v: 285.)

Venter. A name formerly given to a brook flowing into the Woonasquatucket River directly north of the present village of Merino in the town of Johnston, as well as to the meadows north of the brook and to the general locality. The plain to the south of the brook was called both Venter Plain and Poor Man's Plain. Occasionally spelled Venture. (*P. R.* ii: 37; iii: 89; vi: 105; xiv: 63, 100; xvi: 435; MS. Deeds, xiv: 283, in City Hall; and Hopkins 1882 Atlas.)

Vineyard. An island in the Pawtuxet River, directly north of the present Rhodes boathouse. It formerly belonged to the thirteen Pawtuxet proprietors and is still known by its original name. (*P. R.* ii: 11; v: 55; xiv: 75; and 1895 Atlas.)

Wallers Island. An island in the Great Swamp, several hundred feet north of the present Rochambeau avenue and near the Blackstone Boulevard. (*P. R.* iii: 107; xiv: 165.)

Wallers Swamp. The swamp to the west of the present

Mount Pleasant avenue and north of Chalkstone avenue. Called N. Brown's Swamp on Lockwood Map of 1835. (*P. R.* vi: 63; xiv: 82; and Hopkins' *Home Lots*, p. 69.)

WALLINGS POND. The present Sprague's Lower Reservoir in the town of Smithfield. (*P. R.* iv: 21; xiv: 99; and *Harris Papers*, p. 319.)

WALSINGHAM. A name given to the Thomas Walling farm, formerly located on the western side of the Louisquisset Pike, in the present town of Lincoln, and near the southern boundary line of the town. (*P. R.* iii: 117, 158, 160; xiv: 31; and MS. Deeds, iv: 146, in City Hall.)

WANSKUCK. The name of a brook flowing into the West River near the present boundary line between Providence and North Providence. The name was also applied to the meadows along the brook and to the neighboring locality. The name today is applied to a village and pond somewhat to the east of Wanskuck Brook. In its alternate form of spelling—Wenscott—it seems at quite an early date to have been applied to the meadows a mile and a half northwest of the brook. (*P. R.* iii: 239; iv: 142; xvi: 202; and Lockwood Map of 1835.)

WAPWAYSITT. Another spelling of Weybosset, *q. v.*

WASHOUSET POINT. See Long Neck.

WAYUNKEKE. The region in the immediate vicinity of the present Wionkhiege Hill in the town of Smithfield, and apparently regarded by the early colonists as a tract of about four square miles. The name, in its various spellings, was applied to the hill, to the fields southeast of the hill and occasionally to that branch of the Woonasquatucket River which flowed nearby. (*P. R.* iii: 19; iv: 182; v: 94, 285, 320; xvi: 208; and *Narr. Club Publications*, vi: 315.)

WEECAPASACHECK. A reasonable interpretation of the records seems to place this locality a little south of the present Wionkhiege Hill in the town of Smithfield. (*P. R.* iii: 38, 241, 244.)

WESQUADOMESET. A name applied at least as early as 1666 to the present Sayles Hill in the town of North Smithfield and likewise to the Crookfall Brook. The surrounding locality, which was included in the Inman Purchase, was also so called. (*P. R.* iii: 242; iv: 143; v: 144; xiv: 112, 140; and *Narr. Hist. Register*, vi: 49.)

WEST RIVER. Mentioned in the records as early as 1652 and still so called. (*P. R.* ii: 11; xiv: 8, 106.)

WESTCONNAUG. A tract of land purchased in 1662 and comprising practically the southern half of the present town of Foster and that part of the town of Scituate south of the Pawtuxet River. Its northern boundary line was established in 1708. The name was generally spelled Wesquenoid or Westquadnaig. (*P. R.* xvi: 204; xvii: 223; original deed in Fenner Papers, no. 16628, in City Hall; and map of Foster in R. I. Hist. Soc. MSS., vii, no. 1409. There is a mutilated plat of the purchase in the office of the town clerk of Foster.)

WEYBOSSET. The specific locality, Weybosset, when mentioned in the early records, invariably meant the neck of land bounded on the north by the Cove, on the east and southeast by the Providence River and on the southwest by Muddy Bridge, or Dorrance street. Weybosset Bridge, connecting this neck with the east side of the river, is the Market Square Bridge of to-day. Weybosset Hill stood directly to the west of the present Turks Head, between Weybosset and Westminster streets. (*P. R.* ii: 14; iii: 33; ix: 41; xi: 90, 92.) Weybosset Plain is spoken of as the "plain south of the Wanasquatucket River" or "the plain between Weybosset and the Pawtuxet line," yet whenever land is mentioned be-

fore 1700 as being on Weybosset Plain, its location is invariably near the east side of Long Pond. (*P. R.* i: 95; ii: 34; xiv: 110.) Weybosset was generally spelled Waybossett, and occasionally Wapwaysitt. (See *R. I. Hist. Soc. Pub.* iii: 117.)

WHAT CHEER. An Indian field of about six acres, located immediately to the west of "What Cheer Rock" and early granted to Roger Williams. The Fenners subsequently owned this and surrounding property and the plat of their estate, known as "What Cheer," is on Plat Card 61 in the City Deed Office. The cove to the northeast of the Rock was called What Cheer Cove, after 1700. (*P. R.* i: 110; iii: 111, 190; xi: 114; and Hopkins' *Home Lots*, p. 61.)

WICKENDENS COVE. See Mile End Cove.

WIND MILL HILL. Identical with the present hill of the same name, which is located at the joining of the boundary lines of Providence, North Providence and Pawtucket. (*P. R.* v: 16; vii: 22; xi: 55.)

WOONASQUATUCKET. First mentioned as a river in the original deed of Providence and ever since so known. Woonasquatucket Plain was the land in the vicinity of the new State Capitol, called Jefferson Plains on the Lockwood Map of 1835. It was generally spelled Wanasquatucket. (*P. R.* ii: 9, 36; iv: 71; v: 223, 296; xi: 52.)

WOONSOCKET. In the early records this name applied to the hill now called Woonsocket Hill and to the immediately surrounding region rather than to the vicinity of the present town of Woonsocket. It was generally spelled Wansokutt or Wansokett. (*P. R.* viii: 118; xiv: 38; xv: 217; and original deed in R. I. Hist. Soc., and printed in *Narr. Hist Register*, vi: 52.)

WORLDS END. A pond, formerly so called, identical with

Great Pond, or that part of the present Scotts Pond in the town of Lincoln which was called Scotts Pond before the construction of the Blackstone Canal. The Worlds End Meadows were southwest of the pond, on the Moshassuck River. (*P. R.* ii: 102; xi: 164; xiv: 158; and MS. Deeds, ii: 489; v: 293, in City Hall.

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